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I. PREFACE

Pursuant to Section 46a-13c of the Connecticut General Statutes (C.G.S.), the Victim Advocate investigated the facts and circumstances surrounding the enforcement of the handgun transfer/surrender requirements of C.G.S. § 29-36k with respect to the criminal matter of State v. Anthony Iannone. D. M., a victim of domestic violence, reported to the Office of the Victim Advocate (OVA) that she had obtained an *ex parte* restraining order, a restraining order after hearing and a protective order against her ex-boyfriend Anthony Iannone. At all relevant times, Iannone held a local and state pistol permit and he was a registered owner of eight handguns. The issuance of each of the restraining orders and the protective order rendered Iannone ineligible to possess pistols and revolvers and he was required to transfer or surrender his handguns within two business days of becoming subject to the orders. See, C.G.S. § 29-36k (a).¹ His failure to do so subjected him to a fine of up to five thousand dollars or imprisonment of up to five years or both. See, C.G.S. § 29-36k (c). Also, the continued possession of handguns after the issuance of the restraining order after hearing subjected Iannone to prosecution for criminal possession of a pistol or revolver, a class D felony, in violation of C.G.S. § 53a-217c (a)(5).

Notwithstanding the transfer/surrender requirements of C.G.S. § 29-36k, and a protocol created by the Commissioner of the Department of Public Safety and others for law enforcement agencies to follow to determine whether the subject of a restraining or protective order has complied with the above-mentioned transfer/surrender requirements (hereinafter “public safety protocol”), on January 17, 2002, a citizen reportedly found a loaded handgun registered to Anthony Iannone on top of a fire call box on the same street where D. M. resided. After an investigation by the Shelton Police Department, Anthony Iannone was arrested and charged with criminal possession of a pistol or revolver, carrying a pistol without a permit, reckless endangerment and criminal violation of a protective order for his acts on January 17, 2002. Criminal justice professionals took no action in response to Anthony Iannone’s non-compliance with the gun transfer/surrender law between the issuance of the orders and the January 17, 2002 incident.

The purposes of this investigation include: to evaluate the delivery of services to crime victims, like D. M., by agencies and other entities that provided services to D. M. or should have provided services to D. M.; to review the procedures established by agencies and other entities that provide services to crime victims or should provide services to crime victims; to review complaints of persons concerning the actions or inactions of agencies and other entities that provide services to crime victims; to recommend changes in policies concerning crime victims; and to make proposals for systemic reform. All of these purposes are statutory mandates of the Victim Advocate. See, C.G.S. § 46a-13c.

In conducting its investigation, the OVA obtained and received records and documents pertinent to this case, including records of the Shelton Police Department,

records of the Connecticut State Police Department, records from the Milford Superior Court and the Derby Superior Court, G.A. 5, and records from the State's Attorney's Office, G.A. 5. Also, OVA personnel interviewed D. M., a state marshal and members of the Shelton Police Department.

The names of individuals, with the exception of Anthony Iannone, have been omitted from this report and have been redacted from the documents included in the Exhibit section. The OVA notes publicly that it received complete cooperation in its investigation from the Shelton Police Department, the Connecticut State Police Department, the Judicial Branch and the State's Attorney's Office.

The specific focus of the OVA's investigation was on the victim issues set forth above. The OVA's investigation revealed a complete failure by the Shelton Police Department, and others within the justice system, to ensure compliance with the transfer/surrender requirements of C.G.S. § 29-36k until after Anthony Iannone was arrested and charged with various offenses for leaving a loaded handgun on the street where D. M. resided. This failure, which fortuitously did not have tragic consequences, once again highlights the need for a statewide, centralized enforcement mechanism to ensure compliance with the transfer/surrender requirements of C.G.S. § 29-36k. See, OVA Independent Investigative Report, The Death of Josephine Giaimo [hereinafter "The Giaimo Report"].²

Moreover, this investigation further highlights that the public safety protocol, as developed, approved and adopted by the Commissioner of Public Safety and others, is insufficient to ensure that persons who become ineligible to possess handguns comply with the transfer/surrender requirements of C.G.S. § 29-36k. In response to the concerns raised by the Victim Advocate in this regard, the Commissioner of Public Safety, in cooperation with the Judicial Branch and others, has recently implemented procedures designed to address those concerns.

II. THE PUBLIC SAFETY PROTOCOL

In 1999, the General Assembly enacted, and Governor John G. Rowland signed into law, section 29-36n of the Connecticut General Statutes (C.G.S.). That section, which became effective on October 1, 1999, required the Commissioner of Public Safety and others to “develop a protocol to ensure that persons who become ineligible to possess a pistol or revolver have, in accordance with section 29-36k, transferred such pistol or revolver to a person eligible to possess such pistol or revolver or have delivered or surrendered such pistol or revolver to said commissioner.”

As noted by the OVA in the Giaimo report, made public on October 18, 2000, the Commissioner of Public Safety had not complied with the mandate of C.G.S. § 29-36n and developed a protocol as of the date of that report.

In response to the Giaimo report, in March 2001 the Commissioner of Public Safety and others developed, approved and adopted the following protocol:

The following protocol is hereby adopted by the Commissioner of Public Safety, in conjunction with the Chief State’s Attorney and the Connecticut Police Chiefs Association, pursuant to Section 29-36n of the Connecticut General Statutes to ensure that persons who become ineligible to possess a pistol or revolver have, in accordance with section 29-36k of the general statutes, transferred such pistol or revolver to a person eligible to possess such pistol or revolver or have delivered or surrendered such pistol or revolver to said commissioner. For purposes of this protocol it is presumed that in the case of ineligibility upon issuance of a restraining or protective order in a case involving the use, attempted use or threatened use of physical force where the subject of the order and the victim reside in different jurisdictions, service of the order will be made at the law enforcement agency for each jurisdiction.

Upon notification of the occurrence of any event that makes a person ineligible to possess a pistol or revolver as set forth in Exhibit A attached hereto, the following shall occur:

I. The law enforcement agency having jurisdiction shall:

A. In the case of a restraining or protective order, immediately electronically transmit a copy of same referencing the date of service and any supporting documentation on file, including any incident reports, to the Department of Public Safety Special Licensing and Firearms Unit. Supporting documentation may be transmitted at a later time, if necessary.

B. Query the Department of Public Safety Special Licensing and Firearms Unit for any information available on the subject’s permit status and firearms registration data.

C. At the expiration of two (2) business days after the occurrence of the disqualifying event, query the Department of Public Safety Special Licensing and Firearms Unit to determine if the subject has transferred any pistol or revolver to an eligible person or delivered or surrendered any pistol or revolver to the Department of Public Safety.

D. In the event there is non-compliance with the requirement to transfer, deliver or surrender any pistol or revolver, conduct a follow-up investigation.

II. The Department of Public Safety Special Licensing and Firearms Unit shall:

A. Upon receiving notification of the disqualifying event, determine the subject's permit status and firearms registration data.

B. Send written certified communication to the subject regarding the revocation of his/her pistol permit and the requirement to transfer, deliver or surrender the pistol or revolvers in his/her possession within two (2) business days of the disqualifying event and to immediately report and confirm such transfer, delivery or surrender to the Special Licensing and Firearms Unit upon receipt of the letter. A copy of such communication shall also be forwarded to the appropriate law enforcement agency(ies).

(Exhibit 1).³

The OVA recently conducted an independent review of police department policies and procedures for enforcing Connecticut's gun transfer/surrender and gun seizure laws.⁴ As part of that review, published on September 28, 2001, the OVA contacted the various municipal police departments and requested copies of each department's policies and procedures developed to implement the public safety protocol. In response to the OVA's request, the Chief of the Shelton Police Department responded, in a memorandum dated May 17, 2001, that the department will follow the public safety protocol (Exhibit 2). Thus, as of that date, the Shelton Police Department was aware of the public safety protocol and, according to the Chief's memorandum, followed the procedures as set forth in the protocol. As set forth in the body of this report, the Shelton Police Department completely failed to comply with the public safety protocol in this case and, as a result, Anthony Iannone continued to be the registered owner of eight handguns despite the issuance of three court orders that rendered him ineligible to possess handguns and required him to transfer or surrender his handguns within two business days. Moreover, the Victim Advocate has learned from law enforcement officials that this case is not an isolated occurrence and that there are a number of other municipal police departments that have failed to follow the protocol.

As set forth in the following section, the public safety protocol is insufficient to ensure that persons that are ineligible to possess handguns comply with the

transfer/surrender requirements of C.G.S. § 29-36k. A centralized enforcement mechanism clearly is needed and, at the behest of the Victim Advocate, the Commissioner of Public Safety has recently implemented such a mechanism.

III. RESPONSE TO THE VICTIM ADVOCATE'S CALL FOR THE CREATION OF A STATEWIDE, CENTRALIZED MECHANISM TO ENSURE ENFORCEMENT OF GUN TRANSFER/SURRENDER AND GUN SEIZURE LAWS

The independent investigation by the Office of the Victim Advocate (OVA) into the murder of Josephine Giaimo of East Haven, Connecticut in 2000, highlighted critical systemic problems in the enforcement of current handgun restriction laws that are intended to protect victim and public safety. Under Connecticut law, individuals who become the subject of a restraining order or protective order have two business days in which to either transfer or surrender their pistols and revolvers. The Giaimo Report documented the lack of enforcement of these laws on the part of our criminal justice professionals. Despite the findings and recommendations made in the Giaimo Report, more recent investigations conducted by the OVA document the continued failure of our criminal justice system to adequately enforce these laws.⁵ The result, unfortunately, is quite predictable and too often tragic.

Since issuing the Giaimo Report, the Victim Advocate has strenuously advocated for the creation and implementation of a statewide, centralized enforcement mechanism as the best way to help ensure that persons who become ineligible to possess handguns comply with the transfer/surrender requirements of C.G.S. § 29-36k. A centralized enforcement unit would have responsibility for monitoring the enforcement of the gun transfer/surrender law by local law enforcement agencies and would have the authority to enforce the gun seizure law in those cases where subjects of restraining and protective orders fail to comply, and local law enforcement agencies fail to take action to enforce the law in response to such non-compliance. Such a centralized enforcement mechanism is necessary to help ensure the statewide enforcement of laws designed to provide the level of victim and public safety that our state lawmakers intended.

As noted above, state law requires persons who become ineligible to possess pistols or revolvers to transfer such weapons to a person eligible to possess handguns or, alternatively, to surrender such weapons to the Commissioner of Public Safety within two business days of the event that makes a person ineligible to possess such weapons (e.g., the issuance of a restraining or protective order involving the use, attempted use or threatened use of physical force against another person). See, C.G.S. § 29-36k. That law is not being adequately enforced. The inadequate enforcement of C.G.S. § 29-36k was recognized long before the murder of Josephine Giaimo. Public Act 99-212, § 10 (codified at C.G.S. § 29-36n), was a clear attempt by the legislature to address a lack of effectiveness in the intended protections to be provided by C.G.S. § 29-36k. This Public Act became law on October 1, 1999 and required the Commissioner of Public Safety in conjunction with others to develop protocol "to ensure that persons who become ineligible to possess a pistol or revolver have, in accordance with C.G.S. § 29-36k, transferred or surrendered such pistol or revolver to a person eligible to possess such pistol or revolver or have delivered or surrendered such pistol or revolver to said commissioner."

Despite the fact that the legislative mandate to develop such protocol went into effect on October 1, 1999, no protocol had been developed at the time the Giaimo Report was released to the public on October 18, 2000. It wasn't until March 14, 2001, a full seventeen months after the mandate went into effect, that protocol was established.⁶ For reasons explained below, the protocol developed and adopted by the Commissioner of Public Safety, et al. has not been effective.

Under the public safety protocol adopted on March 14, 2001, the primary, if not sole, responsibility for ensuring compliance with handgun restriction laws is vested in the local law enforcement agencies. This has proven to be ineffective. Crucially, the public safety protocol lacks any provision for the Department of Public Safety or any other agency or entity to monitor the response by local law enforcement agencies upon the issuance of a restraining or protective order and to ensure that those agencies follow the protocol.

Under the public safety protocol, if a local law enforcement agency, upon receipt of a restraining or protective order,⁷ fails to transmit the order to the Department of Public Safety Special Licensing and Firearms Unit (SLFU) as required under the protocol, the SLFU has no way of knowing that a registered handgun owner is the subject of a restraining/protective order and is, therefore, ineligible to possess handguns. Furthermore, absent receipt of the order from the local law enforcement agency, the SLFU has no way of knowing that the subject's pistol permit is subject to revocation.⁸ Also, if a local law enforcement agency fails to communicate with the SLFU pursuant to the public safety protocol, such agency is without the information it needs to trigger the required investigation into the matter and, thus, cannot take timely action to seek to remove weapons from those individuals who are out of compliance with the gun transfer/surrender requirements of C.G.S. § 29-36k.⁹

Moreover, the public safety protocol does not contain any provision for monitoring compliance with the protocol by local law enforcement agencies. As a result, there is a lack of accountability and compliance with the protocol is entirely self-policing. Consequently, inaction or insufficient action by a local law enforcement agency concerning the subject's compliance with the requirements of C.G.S. § 29-36k goes unnoticed by the Department of Public Safety or any other agency. This alone mandates the creation of a centralized enforcement mechanism to ensure that local law enforcement agencies follow the protocol and enforce the gun transfer/surrender and seizure laws.¹⁰ Such an enforcement mechanism should additionally provide that if a local law enforcement agency fails to enforce the laws, the Connecticut State Police will.

Finally, the public safety protocol does not contain any procedures for the conduct of the follow-up investigation required after a local law enforcement agency determines that a subject of a restraining or protective order has failed to comply with the transfer/surrender requirements of C.G.S. § 29-36k. The protocol addresses only the acquisition and exchange of basic information necessary to take appropriate action and provides no direction or guidance to local law enforcement agencies regarding what action(s) need to be taken once information indicating non-compliance on the part of a

subject of a restraining/protective order is acquired. The problems, however, with the enforcement of the gun transfer/surrender and seizure laws are clearly not related to any lack of access to information but, rather, to law enforcement's failure to access that information (as in this case) or to act on that information (as in the Giaimo case). The protocol simply does not solve these problems.

Additionally, as noted in the OVA's review of police department policies and procedures for enforcing Connecticut's gun transfer/surrender and gun seizure laws, released in October 2001, a substantial number of local police departments (including the Shelton Police Department) are operating without formal written policies and procedures regarding the public safety protocol, particularly in regard to the follow-up investigation. The absence of such policies and procedures raises the concern that police officers will not have the requisite information available to them to properly and thoroughly investigate whether a person who becomes ineligible to possess handguns has complied with the transfer/surrender requirements of C.G.S. § 29-36k. Moreover, the absence of formal policies and procedures lessens accountability in the event that a department does not properly investigate whether an ineligible person has transferred or surrendered handguns.

As a result of the deficiencies noted in the protocol and the OVA's findings in its review of police department policies and procedures, there is a substantial risk that persons that are ineligible to possess handguns will continue to possess such weapons thereby placing victims and the public at risk. The findings in the present investigation, the Josephine Giaimo investigation, the OVA's more recent investigations, and complaints received from crime victims by the OVA, all have highlighted the existence and critical nature of the faults with the public safety protocol and the need to immediately address this problem to ensure victim and public safety in the future.

A statewide enforcement unit, with primary responsibility vested in the Department of Public Safety, is needed to effectively monitor local law enforcement agency enforcement of the gun transfer/surrender and gun seizure laws¹¹ and to take action to enforce these laws when local law enforcement agencies fail to act.

Having a statewide enforcement unit within the Department of Public Safety would be logical and appropriate. The SLFU has statewide jurisdiction and can thus investigate and enforce the transfer/surrender requirements of restraining and protective orders issued throughout Connecticut. Additionally, the Department of Public Safety is the only state entity designated to receive handgun transfer documents¹² and to receive handguns surrendered pursuant to these court orders (C.G.S. § 29-36k (a)). Further, the SLFU maintains the state's gun permit registry and gun registration database. This information, coupled with restraining and protective order information, would enable the SLFU to generate, each day, a list of individuals throughout the state who, as of that day, are out of compliance with the gun transfer/surrender law. Collectively, this information is all that is necessary for local law enforcement officials to determine that an individual within its jurisdiction is not in compliance with the two business-day rule

and that further action is required to remove handguns and to protect victim and public safety.¹³

On March 19, 2002, the Victim Advocate met with the Governor's Office, the Commissioner of Public Safety, a representative from the Chief State Attorney's Office and a representative from the Judicial Branch to discuss the issue of continued non-enforcement of the gun transfer/surrender and gun seizure laws, despite the existence of the public safety protocol, and to renew his request for the development and implementation of a centralized enforcement mechanism to ensure compliance with these laws.

As a result of these efforts, the Commissioner of Public Safety and the Judicial Branch agreed to cooperate and to quickly develop and implement a set of procedures to place the ultimate responsibility of ensuring compliance with the handgun transfer/surrender requirements where it should be—in the hands of a single centralized entity, i.e., the SLFU. As outlined more fully immediately below, the Victim Advocate's repeated calls for a centralized enforcement mechanism have recently been answered and the result is that an enforcement mechanism is now in place that will ensure that law enforcement officials take the required action to ensure that persons who become ineligible to possess handguns surrender or transfer their handguns as required by law and, if such persons fail to do so, law enforcement officials will act to seize such weapons. The establishment of this mechanism is a major improvement over the March 14, 2001 Department of Public Safety protocol and represents a quantum leap forward in protecting victim and public safety.

Under the newly implemented procedures, the SLFU will no longer be dependent, as it is under the public safety protocol, upon the local law enforcement agencies for information pertaining to the issuance of restraining and protective orders. The Judicial Branch will now electronically transmit to the SLFU: (1) copies of every restraining order that is entered or modified via facsimile upon entry or modification; and (2) a nightly report of all new protective orders and standing criminal restraining orders entered into the CRMVS during that business day via e-mail and facsimile. Exhibits 38, 39. Such transmittals will include all information needed by the SLFU to carry out its responsibilities under the new procedures.¹⁴ Under the new procedures, the SLFU is charged with the responsibility to monitor local law enforcement's response to the issuance of the restraining and protective orders. Local law enforcement agencies will still receive copies of restraining and protective orders as they currently do and will have the primary responsibility for ensuring that the subjects comply with the handgun transfer/surrender requirements.

The new procedures provide that, within eight hours after the expiration of two business days after the event that disqualifies a person from possessing handguns, the SLFU is required to contact the local law enforcement agency having jurisdiction if it is determined, based upon the information available to the SLFU, that the subject of a restraining or protective order has failed to comply with the two business day rule.¹⁵ The SLFU contacts the local agency to notify the agency of the subject's non-

compliance and to determine what action, if any, the local agency has taken or plans to immediately take. In the event that the SLFU determines that the local law enforcement agency having jurisdiction has failed to take enforcement action within the requisite time period, or does not intend to conduct an immediate follow-up investigation to determine what, if any, action should be taken, the SLFU shall take concurrent jurisdiction over the non-compliance. Once the SLFU assumes concurrent jurisdiction, the SLFU, utilizing the personnel and resources of the Statewide Firearms Trafficking Task Force when necessary or appropriate, is required to initiate an investigation and necessary enforcement action which may include, but not be limited to, any of the following: (1) attempting to achieve voluntary compliance; (2) obtaining a sworn statement attesting to the prior sale or transfer and confirming the information contained therein; (3) applying for a search and seizure warrant; and (4) if firearms are located, applying for an arrest warrant.

If, in response to the SLFU's initial contact, the local law enforcement agency indicates either it has taken or will immediately take enforcement action, that agency shall report back to the SLFU with critical information regarding what action was taken, when such action was taken and the results of such action, including information pertaining to any and all handguns and/or other weapons confiscated.

Further, the new procedure requires that the SLFU maintain a Protective Order/Restraining Order Revocation Tracking Report for keeping detailed records of any and all actions taken (by the SLFU and local law enforcement agencies) for each and every restraining and protective order issued in Connecticut. The Commissioner of Public Safety has agreed to provide copies of the report to the OVA on a monthly basis to permit the OVA to monitor and evaluate the effectiveness of the new procedure.

The Victim Advocate strongly believes that these new procedures effectively create what he has been calling for since the OVA's investigation into the death of Josephine Giaimo—i.e., a centralized enforcement mechanism to ensure that persons who become ineligible to possess handguns comply with the gun transfer/surrender requirements and, more importantly, that law enforcement officials will respond quickly and appropriately in the event of non-compliance with such requirements.

Domestic violence is a deplorable crime and we must continue to do everything in our power to protect victims from their assailants. The nexus between firearm possession by individuals who are subject to restraining and protective orders and the threat of violence to victims has long been recognized. Victims of domestic or family violence should not be forced to face the ongoing threat of gun violence after a court has issued a restraining or protective order against their attackers. In fact, our state constitution provides that all victims of crime have a right to be reasonably protected throughout the criminal justice process. For this reason alone, law enforcement and criminal justice professionals must, at a minimum, take any and all reasonable steps to ensure the enforcement of existing laws designed by our state lawmakers to provide victim and public safety.

It is important to emphasize that the new procedures now in force, like any set of operational procedures or laws, cannot *guarantee* victim and public safety in every case. Full implementation of these newly formulated procedures should, however, play an important role in reducing gun violence and the threat of such violence in domestic and family abuse cases throughout Connecticut.

Consistent enforcement of Connecticut's gun transfer/surrender and gun seizure laws should serve to enhance trust and confidence in our justice system among the countless victims of domestic and family violence in Connecticut who turn to that system for protection from their assailants. Such enforcement will undoubtedly send a strong message to victims of domestic and family violence that law enforcement officials will respond and seize the guns of those persons who are subject to restraining and protective orders and who fail to transfer or surrender their handguns within two business days from becoming subject to such orders. It is equally important that individuals who possess guns and become the subject of a restraining or protective order also receive that important message.

IV. RELEVANT BACKGROUND

D. M. reported to various agencies that provide services to crime victims that she was the victim of threatening and abusive conduct by her ex-boyfriend Anthony Iannone. D. M. took numerous steps to address the situation. As outlined below, and as detailed more fully in the body of this report, certain agencies and persons who had professional involvement in D. M.'s problems could have, and should have, done more to protect D. M. and to ensure compliance with the transfer/surrender requirements of C.G.S. § 29-36k. Her complaint highlights critical systemic problems in the protection of domestic violence victims and, specifically, in the current system that vests in the local police departments the responsibility to ensure that persons who become ineligible to possess pistols or revolvers comply with the transfer/surrender requirements of C.G.S. § 29-36k.

- On August 24, 2001, D. M. filed a complaint with the Shelton Police Department. D. M. claimed that on that morning her ex-boyfriend Anthony Iannone entered her apartment in Shelton without permission by using a knife to force open the locked door and that she awoke to find Iannone standing in her bedroom. A Shelton police officer met personally with Iannone on the following day and told him to not have any contact with D. M. (Exhibit 3). No other police action was taken.
- On August 28, 2001, D. M. applied for and received an *ex parte* restraining order directed to Anthony Iannone (Exhibit 4). In her sworn, written affidavit in support of her application, D. M. alleged that Iannone had broken into her home with a knife, that he had been following her and calling her for days and that he had made threats to her, including a threat to cut her throat (Exhibit 5).
- The *ex parte* order contained a notice of the duty to surrender a permit to carry pistols and revolvers and of the duty to transfer all pistols or revolvers or surrender them to the Commissioner of Public Safety within two business days of the issuance of the order (Exhibit 4).
- On August 31, 2001, a state marshal served a copy of the *ex parte* order in hand on Anthony Iannone. Two Shelton police officers had accompanied the marshal to Iannone's residence in Shelton once that day when the marshal unsuccessfully attempted to serve Iannone at his residence (Exhibit 6). One of the officers returned with the marshal to Iannone's residence later that same day when the marshal made in hand service on Iannone (Exhibits 7, 8).
- The marshal requested the assistance of a police officer because she knew that Iannone possessed guns (Exhibit 6). The police officers knew that Iannone possessed guns and that he had a pistol permit (Exhibit 6, 8). The marshal did not serve a copy of the order on the Shelton Police Department (Exhibit 7).¹⁶

- On the date that he was served with a copy of the *ex parte* restraining order, Anthony Iannone had eight handguns registered to him. He had a local pistol permit since 1988 and a state pistol permit since 1998 (Exhibit 10).
- Later in the day on August 31, 2001, the same officer who was present when the marshal served the *ex parte* order on Anthony Iannone was present at the Shelton Police Department when Iannone arrived at the police station holding a bag and said that he wanted to surrender guns. After the officer spoke with a supervisor, Iannone was told that the department did not accept the surrender of guns and to surrender the guns to the state police (Exhibit 8).
- Records and documents reveal that Anthony Iannone did not surrender or transfer his handguns within two business days of becoming subject to the *ex parte* restraining order. Iannone's failure to do so subjected him to a fine of up to five thousand dollars or imprisonment of up to five years or both. See, C.G.S. § 29-36k (c). Also, Iannone could have been subject to civil contempt proceedings. If the court found Iannone to be in civil contempt, the court would have had broad discretion to impose "such sanctions as the court deem[ed] appropriate." See, C.G.S. § 46b-15 (g).
- On August 28, 2001, or the following day, the Shelton Police Department received a copy of the *ex parte* restraining order and D. M.'s affidavit from the court clerk's office by mail (Exhibit 8).¹⁷
- The department's records and court liaison officer did not transmit the *ex parte* order electronically to the Department of Public Safety Special Licensing and Firearms Unit upon receipt, as required by the public safety protocol, or at any other time and there is no record that anyone else in the police department did so (Exhibit 8).
- The records and court liaison officer did not query the Special Licensing and Firearms Unit for information on Anthony Iannone's pistol permit status and firearm registration data, as required by the public safety protocol, and there is no record that anyone else in the police department did so (Exhibit 8).
- The records and court liaison officer did not query the Special Licensing and Firearms Unit two business days later to determine if Anthony Iannone complied with the transfer/surrender requirements of C.G.S. § 29-36k, as required by the public safety protocol, and there is no record that anyone else in the police department did so (Exhibit 8).
- On September 1, 2001, Shelton police officers responded to Anthony Iannone's residence in response to a report that Iannone was attempting to commit suicide. The officers transported Iannone to a hospital for treatment (Exhibit 11).

- On September 9, 2001, D. M. filed a complaint with the Shelton Police Department. D. M. claimed that Anthony Iannone had called her at her home several times in violation of the restraining order. At D. M.'s request, a Shelton police officer warned Iannone not to call D. M. and to stay away from her home. No other police action was taken (Exhibit 12).
- On September 11, 2001, D. M. and Anthony Iannone appeared at the scheduled hearing on the restraining order. The transcript of the proceedings reveals that Iannone consented to the continuation of the restraining order and the court continued the order for an additional six months (Exhibit 13). Records and documents reveal that, as he stood before the court, Anthony Iannone had failed to comply with the statutory requirement that he transfer or surrender his handguns within two business days (Exhibit 10). Iannone's failure to do so subjected him to a fine of up to five thousand dollars or imprisonment of up to five years or both (C.G.S. § 29-36k (c)). Also, the court had the authority to find Iannone in contempt of its orders and to "impose such sanctions as the court deems appropriate." See, C.G.S. § 46b-15 (g). Because there was no inquiry by the court regarding Iannone's conduct after the date of the *ex parte* restraining order, there was no sanction imposed that might have served the interest of victim safety.
- Further, Iannone's continued possession of handguns after the hearing on the restraining order subjected him to prosecution for criminal possession of a pistol or revolver in violation of C.G.S. § 53a-217c (a)(5), a class D felony. The restraining order after hearing also contained a notice of a duty to transfer all pistols and revolvers or surrender them to the Commissioner of Public Safety within two business days of the issuance of the order (Exhibit 14).
- During the September 11, 2001 court proceedings, the judge did not advise Anthony Iannone regarding the statutory requirement that he transfer/surrender any handguns within two business days or make any inquiry of Iannone regarding his compliance with the transfer/surrender requirements of C.G.S. § 29-36k (Exhibit 13).
- On or about September 11, 2001, the Shelton Police Department received a copy of the restraining order after hearing from the court clerk by mail.¹⁸ The records and court liaison officer did not transmit the order electronically to the Department of Public Safety Special Licensing and Firearms Unit upon receipt, as required by the public safety protocol, or at any other time and there is no record that anyone else in the police department did so (Exhibit 8).
- The records and court liaison officer did not query the Special Licensing and Firearms Unit for information on Anthony Iannone's pistol permit status and firearm registration data, as required by the public safety protocol, and there is no record that anyone else in the police department did so (Exhibit 8).

- The records and court liaison officer did not query the Special Licensing and Firearms Unit two business days later to determine if Anthony Iannone complied with the transfer/surrender requirements of C.G.S. § 29-36k, as required by the public safety protocol, and there is no record that anyone else in the police department did so (Exhibit 8).
- On September 17, 2001, D. M. filed a complaint with the Shelton Police Department. She claimed that Anthony Iannone had violated the restraining order by appearing on the porch of her residence that day. A Shelton police officer arrested Iannone that same day and charged him with criminal trespass in the first degree, in violation of C.G.S. § 53a-107 (a)(2). Iannone was released from custody that same day after he posted a \$500 bond (Exhibit 15).
- At Iannone's September 18, 2001 arraignment on the trespass charge, a judge issued a full protective order (Exhibits 16, 17). Records and documents reveal that, as he stood before the court, Anthony Iannone had failed to comply with the transfer/surrender requirements of C.G.S. § 29-36k (Exhibit 10). His failure to comply subjected him to a fine of up to five thousand dollars or imprisonment of up to five years or both (C.G.S. §§ 29-36k (c)) and to prosecution for criminal possession of a pistol or revolver, a class D felony, in violation of C.G.S. § 53a-217c (a)(5).
- At his arraignment, Anthony Iannone told the judge that, upon being served with the restraining order, he turned over to a gun store a nine-millimeter handgun and said that he brought documents pertaining to the sale to the Shelton Police Department (Exhibit 16).
- Neither the judge nor the prosecutor made any further inquiry regarding Iannone's possession of handguns or sought to obtain information available from the Department of Public Safety Special Licensing and Firearms Unit to confirm or contradict Iannone's statements (Exhibit 16). If either the prosecutor or the judge had done so, they would have learned that Anthony Iannone had eight handguns registered to him at the time. Further, they would have learned that the nine-millimeter handgun that Iannone claimed to have delivered to a gun store was not currently registered to him.
- The protective order contained a notice of the duty to surrender a permit to carry pistols and revolvers and of the duty to transfer all pistols or revolvers or surrender them to the Commissioner of Public Safety within two business days of the issuance of the order (Exhibit 17).
- On or about September 18, 2001, the Shelton Police Department's records and court liaison officer personally obtained a copy of the protective order from the clerk at the Derby Superior Court (Exhibit 8).¹⁹

- The records and court liaison officer did not transmit the protective order electronically to the Department of Public Safety Special Licensing and Firearms Unit upon receipt, as required by the public safety protocol, or at any other time and there is no record that anyone else in the police department did so (Exhibit 8).
- The records and court liaison officer did not query the Special Licensing and Firearms Unit for information on Anthony Iannone's pistol permit status and firearm registration data, as required by the public safety protocol, and there is no record that anyone else in the police department did so (Exhibit 8).
- The records and court liaison officer did not query the Special Licensing and Firearms Unit two business days later to determine if Anthony Iannone complied with the transfer/surrender requirements of C.G.S. § 29-36k, as required by the public safety protocol, and there is no record that anyone else in the police department did so (Exhibit 8).
- The Shelton Police Department's failure to comply with the public safety protocol in this case was not an isolated occurrence. Indeed, the department's records and court liaison officer, who is responsible for the receipt and processing of restraining and protective orders, was completely unaware of the department's responsibilities under the public safety protocol (Exhibit 8).
- On October 17, 2001, the Shelton Police Department received a report that Anthony Iannone had again attempted to commit suicide. Shelton police officers responded to Iannone's residence and transported Iannone to a hospital (Exhibit 18).
- On October 25, 2001, a judge continued the criminal case against Anthony Iannone (Exhibit 19).
- On November 8, 2001, D. M. filed a complaint with the Shelton Police Department. D. M. claimed that Anthony Iannone had violated the restraining order and protective order by calling her seven times that day and by appearing at the door to her apartment. D. M. told a Shelton police officer that Iannone had previously threatened to kill her and that she feared for her life. The Shelton police officer's report on this complaint included copies of the restraining and protective orders. The investigating officer spoke with Iannone on November 8th and Iannone told the officer that he would turn himself in to the police. When Iannone failed to appear at the police department by the end of the investigating officer's shift, an arrest warrant was sought and obtained (Exhibit 20).
- D. M. reported to the Shelton police officer that investigated her November 8th complaint that that she had changed her telephone number one month

earlier. D. M. believed that Iannone obtained her new number from a previous police report.

- On November 21, 2001, a Shelton police officer arrested Anthony Iannone and charged him with larceny in the sixth degree for stealing clothes from the clothesline at a home in Shelton. Also, the officer arrested Iannone on the warrant for the November 8th incident that charged Iannone with two counts of criminal violation of a protective order. Iannone was released that same date after posting a \$10,000 bond on the protective order charges and a \$500 bond on the trespass charge (Exhibit 21).
- On November 23, 2001, Anthony Iannone appeared before a criminal court judge on the charges pertaining to the November 8th and November 21st incidents. The judge told Iannone to have his attorney file an appearance. The judge also told Iannone that he intended to have Iannone's bond raised because he had been charged with violating the protective order. The judge continued the matter until December 3, 2001 (Exhibit 22).
- On December 3, 2001, the judge that issued the protective order continued Iannone's cases until December 27, 2001 (Exhibit 23). On December 27, 2001, a different judge continued the cases until January 23, 2002 (Exhibit 24). No change occurred in Iannone's bond on either date and there was no discussion on either date regarding the transfer/surrender requirements of C.G.S. § 29-36k and Iannone's compliance.
- On January 2, 2002, D. M. reported to the Shelton Police Department that Anthony Iannone had violated the restraining and protective orders by following her in his automobile as she drove home from work and attempting to force her vehicle off of the road. A Shelton police officer arrested Iannone that same day and charged him with criminal violation of a protective order and reckless driving. Iannone was released from custody that day after posting a \$15,000 bond (Exhibit 25).
- Records and documents reveal that, as of January 2, 2002, Anthony Iannone continued to be the registered owner of eight handguns and that he had not complied with the transfer/surrender requirements of C.G.S. § 29-36k (Exhibit 10). Iannone's failure to comply with the transfer/surrender requirements of C.G.S. § 29-36k subjected him to a fine of up to \$5,000 or imprisonment of up to five years or both (C.G.S. § 29-36k (c)) and his continued possession of handguns after the issuance of the restraining order after hearing constituted criminal possession of a pistol or revolver, a class D felony, in violation of C.G.S. § 53a-217c (a)(5).
- Records and documents reveal also that, as of January 2, 2002, the Shelton Police Department had conducted no investigation concerning Anthony Iannone's continued possession of handguns. The department did not

conduct an investigation despite the knowledge that: (1) Anthony Iannone had a pistol permit and possessed guns; (2) that Anthony Iannone was the subject of an *ex parte* restraining order, a restraining order after hearing and a protective order; and (3) that, as a result of the issuance of each of these orders, Anthony Iannone was ineligible to possess handguns and under a duty to transfer/surrender his handguns.

- On January 3, 2002, Iannone's case pertaining to his January 2nd arrest -- his second for violating the protective order -- appeared on the docket and defense counsel appeared. The same criminal court judge that had issued the protective order against Iannone on September 18th continued the case until January 23, 2002. The judge did not mention increasing Iannone's bond or Iannone's compliance with the transfer/surrender requirements of C.G.S. § 29-36k (Exhibit 26).
- On January 17, 2002, the Shelton Police Department arrested Anthony Iannone and charged him with criminal violation of a protective order, criminal possession of a pistol or revolver, carrying a pistol without a permit and reckless endangerment after a citizen reportedly discovered a loaded .38 caliber Taurus handgun, serial # PP 155, registered to Anthony Iannone on top of a fire call box located on the street where D. M. lived (Exhibit 27).
- On January 17, 2002, Shelton police officers executed a search and seizure warrant at Anthony Iannone's residence and seized the following property: a cardboard box containing boxes of ammunition, holsters and gun clips; a box of .38 caliber bullets with five bullets missing; and a box labeled Charter Arms Firearms 38 caliber serial # PP155 (Exhibit 37).

V. SUMMARY OF FINDINGS

- D. M. reportedly was the victim of threatening and abusive conduct by her ex-boyfriend, Anthony Iannone. At all relevant times, Anthony Iannone was a registered owner of eight handguns. Iannone held a local pistol permit since 1988 and a state pistol permit since 1998.
- The *ex parte* restraining order issued on August 28, 2001, the restraining order after a hearing issued on September 11, 2001, and the protective order issued on September 18, 2001, included notices of a duty to surrender a permit to carry pistols and revolvers and a duty to transfer all pistols and revolvers or surrender them to the Commissioner of Public Safety within two business days of the issuance of the orders. Anthony Iannone did not comply with these requirements. Moreover, the Shelton Police Department did not follow the public safety protocol to determine whether Anthony Iannone had complied with the transfer/surrender requirements of C.G.S. § 29-36k and failed to take any action to recover handguns from Anthony Iannone until after Iannone's arrest on January 17, 2002.
- This case and others, including the death of Josephine Giaimo, highlight the critical need for a statewide enforcement mechanism to ensure that individuals who are the subject of restraining or protective orders transfer or surrender handguns as required by C.G.S. § 29-36k.
- On or about August 28, 2001, the Shelton Police Department received by mail from the court clerk's office a copy of the *ex parte* restraining order issued on behalf of D. M. against Anthony Iannone in a case involving the use, attempted use or threatened use of physical force against another person.
- By letter dated May 17, 2001, the Chief of the Shelton Police Department advised the OVA that his department had received a copy of the public safety protocol and that the department followed the public safety protocol.
- As of August 31, 2001, the Shelton Police Department knew that Anthony Iannone had been served with a copy of the *ex parte* restraining order and that, therefore, he was ineligible to possess firearms. Records, documents and interviews reveal that the Shelton Police Department did not comply with the public safety protocol and: (1) immediately fax a copy of the *ex parte* restraining order to the Department of Public Safety Special Licensing and Firearms Unit; (2) query the Special Licensing and Firearms Unit to obtain Anthony Iannone's gun permit status and firearms registration data; (3) at the expiration of two business days, query the Special Licensing and Firearms Unit to determine if Anthony Iannone had transferred his handguns to an eligible person or delivered or surrendered his handguns to the Department of Public Safety; (4) upon determining that Anthony Iannone had not complied the transfer/surrender requirements, conduct a follow-up investigation; and (5)

depending upon the results of the investigation, take appropriate action, such as obtaining a search and seizure warrant or arrest warrant, to enforce existing laws designed to remove handguns from persons that become the subject of a restraining or protective order.

- On or about September 11, 2001, the Shelton Police Department received by mail from the court clerk's office a copy of the restraining order after hearing issued against Anthony Iannone. Records, documents and interviews reveal that the Shelton Police again did not comply with the public safety protocol.
- On or about September 18, 2001, the Shelton Police Department's records and court liaison officer personally obtained from the Derby court a copy of the protective order issued against Anthony Iannone on September 18, 2001. Records, documents and interviews reveal that the Shelton Police Department again did not comply with the public safety protocol.
- If the Shelton Police Department had complied with the public safety protocol upon receipt of the *ex parte* restraining order, the restraining order after hearing or the protective order, the department would have learned that Anthony Iannone was a pistol permit holder and that he was the registered owner of eight handguns. Moreover, the department would have learned that the Special Licensing and Firearms Unit's records showed that Anthony Iannone had not complied with the transfer/surrender requirements of C.G.S. § 29-36k. Also, the Shelton Police Department in all likelihood would have developed sufficient information to support an application for a search warrant to search for and to seize the handguns registered to Anthony Iannone long before the handgun registered to Iannone was found on the fire call box on January 17, 2002. Finally, if the Shelton Police Department had followed the public safety protocol at any time after the issuance of the restraining order after hearing, the department in all likelihood would have developed probable cause to arrest Anthony Iannone for criminal possession of a pistol or revolver.
- Anthony Iannone appeared once before a family court judge and appeared before a criminal court judge on at least two of the six dates that his cases were called in the criminal court. On each appearance, Anthony Iannone had not complied with the transfer/surrender requirements of C.G.S. § 29-36k, for which he was subject to a fine of up to \$5,000 and imprisonment of up to five years or both. Furthermore, on each of the dates that he appeared before a criminal court judge, Anthony Iannone's continued possession of handguns constituted criminal possession of a pistol or revolver, a class D felony, in violation of C.G.S. § 53a-217c (a)(5). Iannone was never charged with any crimes related to his failure to comply with the requirements of C.G.S. § 29-36k until after a citizen reportedly found a loaded handgun registered to Iannone on a fire call box on the street where D. M. resided.

- On September 18, 2001, a criminal court judge issued a protective order against Anthony Iannone. Anthony Iannone told the court that he had surrendered a nine-millimeter handgun on the date that he had been served with the restraining order and that he had provided documentation of the sale to the Shelton Police Department.
- Records and documents reveal that Anthony Iannone's statement to the court was completely false. As he stood before the court, Anthony Iannone was a registered owner of eight handguns. Moreover, the gun that he claimed to have sold was, in fact, a gun listed as one previously registered to him. Neither the court nor the prosecutor made any further inquiry regarding Iannone's compliance with the transfer/surrender provisions of C.G.S. § 29-36k. Such inquiry was reasonable because Iannone admitted to the judge that he was a gun owner and he claimed to have transferred one gun.
- The judiciary failed to take appropriate steps to deal with Iannone's multiple arrests for violating court orders. Although one criminal court judge warned Iannone after his first arrest for violating the protective order that the judge intended to increase Iannone's bond, no action was taken to increase Iannone's bond until after his arrest on January 17, 2002, despite the fact that in the interim Iannone was arrested a second time and charged with violating the protective order. Furthermore, with the exception of Iannone's first appearance before the criminal court, at which time the judge and Iannone discussed Iannone's purported transfer of a handgun, no further mention was made by any judge on any subsequent court date regarding Iannone's obligation to transfer/surrender handguns.
- The General Assembly enacted legislation during the 2002 legislative session designed to address a complaint that is frequently heard from victims of domestic violence – that the criminal justice system as a whole does not treat seriously the violation of restraining or protective orders. Section 1 of Public Act No. 02-127 enacts a new provision of the General Statutes that makes the violation of a restraining order a class A misdemeanor. Section 3 of the Act increases the penalty for the crime of criminal violation of a protective order from a class A misdemeanor to a class D felony.²⁰ Making the violation of a restraining order a criminal offense and elevating the penalty for the violation of a protective order to a felony should send a strong message to subjects of the orders, to crime victims and to the criminal justice system that the violation of such orders will be treated seriously. The judiciary should respond to these changes by setting a substantial bond for first time violators and by substantially increasing or revoking the bond of repeat offenders.

VI. SUMMARY OF RECOMMENDATIONS

The specific focus of the OVA's investigation was on the victim issues set forth throughout this report. The Shelton Police Department's failure to follow the public safety protocol and to enforce the transfer/surrender requirements of C.G.S. § 29-36k has highlighted the need for a statewide enforcement mechanism to ensure that persons that become ineligible to possess handguns comply with the transfer/surrender requirements of C.G.S. § 29-36k.

As a result of its independent investigation into this matter, the OVA recommends a number of actions for improving the protection of victims of domestic violence. These recommendations, summarized below, and the rationale for each are detailed within the body of this report.

The Victim Advocate enthusiastically supports any and all efforts to improve service to victims. Further, the OVA would appreciate the opportunity to work with the various agencies to discuss, design, draft and implement any of the recommendations set forth below.

The Victim Advocate respectfully requests that each agency herein mentioned inform the OVA, in writing in a timely manner, about any action taken or the reasons for not complying with these recommendations. The OVA also requests that any agency declining the OVA's offer to work cooperatively to address these problems provide a written explanation to the OVA explaining the reason(s) for such declination.

- As recommended by the Victim Advocate since the OVA's investigation of the death of Josephine Giaimo, the Commissioner of Public Safety has implemented a centralized enforcement mechanism that places the ultimate responsibility to ensure compliance with the handgun transfer/surrender requirements of C.G.S. § 29-36k where it belongs – with the SLFU. The Commissioner of Public Safety has agreed to provide the OVA on a monthly basis with copies of the SLFU's tracking report of protective and restraining orders. The OVA will monitor and evaluate the new procedure.
- The OVA strongly recommends that the Special Licensing and Firearms Unit immediately conduct an investigation to account for the remaining seven handguns registered to Anthony Iannone and notify the OVA of the results of that investigation.
- The OVA recommends that police departments and the State's Attorney's Offices redact the telephone numbers of crime victims from police reports before the reports are disclosed to the accused or to the public.

- The OVA recommends that the State's Attorneys for each judicial district develop a procedure to make handgun registration information available to prosecutors in all cases where the defendant is the subject of a restraining or protective order to permit prosecutors to determine whether a defendant who is ineligible to possess handguns has complied with the transfer/surrender requirements of C.G.S. § 29-36k.
- The OVA strongly renews its recommendation made in the Giaimo report that the Judicial Branch develop and implement policy and procedures to draw attention to and emphasize the handgun restrictions for all persons subject to restraining and protective orders. Such policy and procedures should include, at a minimum, express reference to the handgun restrictions during all court proceedings related to such orders.
- The OVA renews its recommendation made in the Giaimo report that the Judicial Branch explore the feasibility of a policy requiring that judges question persons who are subject to restraining and protective orders about their possession of handgun permits and handguns.²¹
- The OVA further recommends that the Judicial Branch explore the feasibility of a policy requiring judges to verify claims by subjects of restraining or protective orders that handguns have been transferred/surrendered.
- The OVA recommends that the legislature amend the gun seizure law (C.G.S. § 29-38c) to provide that the issuance of a restraining/protective order in a case involving the use, attempted use or threatened use of physical force against another person and that the subject of the order failed to comply with the transfer/surrender requirements of C.G.S. § 29-36k shall be deemed to constitute "a risk of imminent personal injury" within the meaning of the statute.

VII. DISCUSSION OF ISSUES

A. Police Involvement

1. Shelton Police Department

On August 24, 2001, D. M. reported to a Shelton police officer that on that morning her ex-boyfriend Anthony Iannone had entered her locked apartment without permission. D. M. stated that she was asleep at the time and awoke to find Iannone in her bedroom. Iannone said that he used a knife on the door lock to gain entry. Iannone refused D. M.'s repeated demands that he leave her apartment and remained in her bedroom for approximately five minutes before leaving. D. M. told the officer that she was in fear while Iannone was in her apartment.

D. M. stated further that Iannone returned to her apartment that afternoon and left a note for her with one of her children. In the note, Iannone wrote that he was sorry for what had happened that morning and that he just wanted to talk to her. The officer spoke in person with Iannone the following day. Iannone apologized for his conduct on the previous day and said that he would not contact D. M. again. The officer told Iannone not to contact D. M. in any way (Exhibit 3). No further police action was taken.

On August 28, 2001, D. M. applied for and received an *ex parte* restraining order directed at Anthony Iannone (Exhibit 4). In her sworn, written affidavit in support of her application, D. M. described Iannone's entry into her apartment on August 24, 2001. Also, D. M. stated that for days Iannone had been following her and calling her at her home and place of work; that he told her that he would not let her go; and that she and her three children are afraid of him. Also, D. M. stated that Iannone had made threats to her, including that he would cut her throat (Exhibit 5). In granting the order, the court issued a no-contact order forbidding Iannone from contacting D. M. by telephone or otherwise at her home or at her place of employment. The court scheduled a hearing on the application for September 11, 2001.

On or about August 28, 2001, the Shelton Police Department received a copy of the *ex parte* restraining order and the affidavit of D. M. in the mail from the court clerk's office. The order was placed in the department's binder of protective and restraining orders and the order was entered into the department's in-house computer system (Exhibit 8).

On August 31, 2001, a state marshal, accompanied by two Shelton police officers, attempted unsuccessfully to serve a copy of the *ex parte* restraining order on Anthony Iannone at his residence in Shelton. The marshal requested police assistance because she knew that Iannone possessed guns (Exhibits 6, 7). At that time, the officers knew that Iannone possessed guns and that he had a gun permit (Exhibit 6, 8). Later that same day, the marshal returned to Iannone's residence, accompanied by one of the Shelton police officers that had accompanied the marshal on the prior visit, and served Iannone in hand with a copy of the *ex parte* restraining order (Exhibits 7, 8).

The marshal did not serve a copy of the restraining order on the Shelton Police Department because the marshal was accompanied by police officers when the marshal attempted to serve the order on Iannone on August 31, 2001, and when the marshal served him with the order later that same date. The marshal believed that that was sufficient notice of the order to the Shelton Police Department (Exhibit 7).

Later that same day, Anthony Iannone appeared at the Shelton Police Department holding a bag and said that he wanted to surrender guns. The officer that was present at Iannone's residence when the marshal served Iannone with the *ex parte* restraining order was present at the police station. Either the officer or a supervisor told Iannone that the department did not accept surrendered handguns and to surrender the guns to the Connecticut State Police. The officer believed that the bag held by Iannone contained one or two guns (Exhibit 8).

As of August 31, 2001, the Shelton Police Department knew that Anthony Iannone was the subject of an *ex parte* restraining order issued by a court in a case involving the use, attempted use or threatened use of physical force against another person. Upon being served with the *ex parte* order, Iannone was no longer eligible to possess handguns and, pursuant to C.G.S. § 29-36k, he was required within two business days to transfer or surrender any handguns in his possession and his pistol permit was subject to revocation. See, C.G.S. § 29-32. At the time he became subject to the order, the records of the Department of Public Safety Special Licensing and Firearms Unit reveal that eight handguns were registered to Iannone and that he had a local pistol permit since December 7, 1988 and a state pistol permit since December 21, 1998 (Exhibit 10). This information was readily available to the Shelton Police Department from the Special Licensing and Firearms Unit. The Shelton Police Department, however, did not comply with the public safety protocol and, as a result, no action was taken by that department or the state police concerning Iannone's compliance with the transfer/surrender requirements of C.G.S. § 29-36k or concerning Iannone's pistol permit.

On September 1, 2001, Shelton police officers responded to a report of an attempted suicide at Iannone's residence. The person who called the police reported that Iannone was depressed over the break-up with his girlfriend and that she had just served a restraining order on him, that Iannone said that he was in the basement with a rope around his neck and that he had taken pills. Further, according to the caller, Iannone said that his eight-year old son was alone upstairs in the house.

When the police arrived at Iannone's home, they met Iannone in a hallway and they observed what appeared to be rope burns on his neck. Iannone said that he was depressed over a recent break-up and that he had taken pills. Also, Iannone said that he had set up a noose in the basement and that he tried to use it. Iannone agreed to accompany the officers to a hospital emergency room (Exhibit 11).

In September of 2001, a friend of D. M.'s reported to her that Anthony Iannone had made threatening statements to the friend about D. M. D. M. obtained a notarized,

written statement from the friend (Exhibit 28). In that statement, the friend stated that Iannone said, among other things, that he would "slice [D.M.'s] throat from ear to ear." D. M. spoke with a Shelton detective about these threats, and specifically Iannone's threat to "slice her throat from ear to ear." According to D. M., the detective, referring to Iannone's threat, told her to "take it with a grain of salt."²² Iannone was never charged with any crimes based upon the notarized, written statement of D. M.'s friend.

On September 9, 2001, D. M. reported to a Shelton police officer that Iannone had violated the restraining order by calling her home several times. D. M. advised the officer of the restraining order and asked the officer to issue a warning to Iannone. The officer warned Iannone that, per the restraining order, he was not to call D. M. The officer also warned Iannone to stay away from D. M.'s home. Iannone said that he understood and that he would stop calling her (Exhibit 12). No further police action was taken.

On September 11, 2001, a hearing was held on D. M.'s application for a restraining order. The transcript of the hearing reveals that Iannone and D. M. appeared at the hearing and that the court ordered a six-month extension of the restraining order (Exhibits 13). The restraining order after hearing includes a notice of the statutory obligation to transfer/surrender handguns (Exhibit 14). The transcript reveals also that the judge made no mention to Iannone of the statutory requirement that he transfer or surrender handguns or make any inquiry of Iannone regarding his compliance with this requirement (Exhibit 13).

Records, documents and interviews reveal that the Shelton Police Department received a copy of the restraining order after hearing in the mail from the clerk's office on or about September 11, 2001. The copy of the restraining order after hearing was placed in the department's restraining/protective order binder and entered into the department's in-house computer. The copy of the *ex parte* order was removed from the binder (Exhibit 8).

Records and documents received from the Department of Public Safety Special Licensing and Firearms Unit reveal that, at the time he became subject to the restraining order after hearing, Anthony Iannone continued to be the registered owner of eight handguns (Exhibit 10). Iannone's failure to transfer/surrender his handguns within two business days of becoming subject to the *ex parte* restraining order and the restraining order after a hearing subjected him to a fine of up to \$5,000 or imprisonment of up to five years or both. See, C.G.S. § 29-36k (c). Also, his pistol permit was subject to revocation. See, C.G.S. § 29-32. Furthermore, Iannone's continued possession of handguns after he become the subject of a restraining order after a hearing constituted criminal possession of a pistol or revolver, a class D felony, in violation of C.G.S. § 53a-217c (a)(5). The Shelton Police Department, however, did not comply with the public safety protocol and, as a result, no action was taken by that department or the state police concerning Iannone's compliance with the transfer/surrender requirements of C.G.S. § 29-36k or his pistol permit.

On September 17, 2001, D. M. reported to a Shelton police officer that Anthony Iannone violated the restraining order when he appeared on the porch of her residence that day. Iannone was arrested a short time later and charged with criminal trespass in the first degree in violation of C.G.S. § 53a-107 (a)(2). He was released on that same day on a \$500 bond (Exhibit 15).

On September 18, 2001, Iannone appeared in Superior Court, G.A. 5, and was arraigned on the trespass charge. During the arraignment proceedings, the court issued a full protective order against Iannone (Exhibit 17). The transcript of the proceeding reveals that a superior court judge, after warning Iannone that he was not to have any contact with D. M., said, "And apparently you've turned over a weapon. What kind of weapon is that?" Iannone replied, "I turned it over immediately when I was served with the restraining order. I had a nine-millimeter handgun which I sold to [a gun store] and immediately brought the paperwork to Shelton police" (Exhibit 16). The protective order contains the following notation handwritten on the face of the order: "Defendant had already turned over weapon" followed by the purported signature of Anthony Iannone (Exhibit 17). The protective order also includes a notice of the statutory obligation to transfer/surrender handguns (Exhibit 17).

On or about September 18, 2001, the Shelton Police Department's records and court liaison officer personally obtained a copy of the protective order at the courthouse. The officer placed the order in the department's restraining/protective order binder and the order was entered into the department's in-house computer (Exhibit 8).

Records, documents and interviews reveal that the Shelton Police Department did not comply with the public safety protocol upon receipt of the protective order. Moreover, according to the department's records and court liaison officer, no reason existed to check Iannone's handgun registration information and compliance with C.G.S. § 29-36k because the protective order stated on its face that Iannone had surrendered guns (Exhibits 8, 17). Furthermore, an interview by OVA personal of the records and court liaison officer revealed that the Shelton Police Department's failure to comply with the public safety protocol in this case was not an isolated occurrence and that the records and court liaison officer, who is responsible for the receipt and processing of restraining and protective orders, was completely unaware of the department's responsibilities under the public safety protocol (Exhibit 8).

Records and documents reveal that Anthony Iannone continued to be the registered owner of eight handguns, including a nine-millimeter Taurus handgun (Exhibit 10). The Shelton Police Department provided the OVA with a copy of a State of Connecticut Department of Public Safety Sale of Transfer of All Firearms Form (DPS-3-C) purporting to reflect the sale by Anthony Iannone of a Taurus 9mm handgun, model number PT-99, serial number THH-36366, to a gun store on August 31, 2001 (Exhibit 29). Documents and records from the Special Licensing and Firearms Unit, however, reveals that the gun bearing serial number THH-36366 is listed as a gun previously registered to Iannone and not as gun currently registered to Iannone (Exhibit 10).

Further, the material provided to the OVA by the Department of Public Safety does not contain a copy of this or any other DPS-3-C form.

The absence of a copy of this DPS-3-C form from the material submitted to the OVA by the Department of Public Safety is significant. If Iannone had sent a copy of the form to the Department of Public Safety, as he was required to do pursuant to C.G.S. § 29-33 (e), the Special Licensing and Firearms should have realized that the form purported to reflect the sale by Iannone of a gun that, according to the records of the Special Licensing and Firearms Unit, was previously registered to him. This should have prompted further inquiry by the Special Licensing and Firearms Unit that should have revealed that Iannone was ineligible to possess handguns and subject to the transfer/surrender requirements of C.G.S. § 29-36k.

On October 17, 2001, Shelton police officers responded to a report of a possible suicide at Iannone's residence. Iannone told the officers that he was okay and denied intending to harm himself. The officers examined Iannone's motor vehicle and discovered a twelve-foot piece of doubled-up garden hose wrapped in tin foil and plastic and pictures in the front seat. Iannone agreed to accompany the officers to a hospital (Exhibit 18).

On November 8, 2001, D. M. reported to the Shelton Police Department that Anthony Iannone violated the restraining and protective orders by calling her seven times that morning and by appearing at her apartment door. In her written statement to the police, D. M. indicated that she had "a family violence protective order issued 8-31-01 . . . [and] a restraining order issued 9-11-01." In his report, the investigating officer wrote that Iannone had threatened to kill D. M. in the past and that she feared for her life (Exhibit 20). The investigating officer prepared an arrest warrant application for Iannone.

On November 21, 2001, a Shelton police officer arrested Anthony Iannone for larceny in the sixth degree for stealing clothes from the clothesline at a home in Shelton. Iannone also was taken into custody on the arrest warrant for the November 8th incident. Iannone was released that same day after he posted a \$10,000 bond on the protective order violation charges and a \$500 bond on the larceny charge (Exhibit 21).

On January 2, 2002, D. M. reported to a Shelton police officer that Anthony Iannone violated the protective order issued on September 18, 2001, by following her in his automobile as she drove home from work that day, tailgating her for a distance and then passing her and attempting to cut her off by pulling sharply in front of her. Anthony Iannone was arrested that day and charged with criminal violation of a protective order and reckless driving. He was released that same day after he posted a \$15,000 bond. The paperwork submitted to the OVA by the Shelton Police Department pertaining to this incident included copies of both the restraining order and the protective order (Exhibit 25).

State police records show that Iannone continued to be the registered owner of eight handguns and his failure to comply with the transfer/surrender requirements of C.G.S. § 29-36k subjected him to a fine of up to \$5,000 or up to five years imprisonment or both. See, C.G.S. § 29-36k (c). Also, his continued possession of handguns constituted criminal possession of a pistol or revolver in violation of C.G.S. § 53a-217c (a)(5), a class D felony. The Shelton Police Department did not contact the state police, or conduct any investigation, regarding Iannone's possession of handguns in connection with, and in response to, his arrest on January 2, 2002.

On the afternoon of January 17, 2002, Shelton police officers arrested Anthony Iannone and charged him with criminal violation of a protective order, criminal possession of a pistol or revolver, carrying a pistol without a permit and reckless endangerment after a citizen reportedly discovered a loaded handgun registered to Iannone on top of a fire call box located on the street where D. M. lived (Exhibit 27). In a written statement to the police, Iannone stated that, upon being served with the restraining order, he immediately turned over to the court his 9mm handgun.²³ Iannone admitted that he kept one gun in his basement. He claimed that he had previously transferred the gun to a relative and that he obtained the gun back from the relative six months earlier.²⁴ Iannone's statement does not provide any explanation for the remaining handguns that were registered to him at the time of this arrest (Exhibit 30).

On January 17, 2002, Shelton police officers executed a search and seizure warrant at Anthony Iannone's residence and seized the following property: a cardboard box containing boxes of ammunition, holsters and gun clips; a box of .38 caliber bullets with five bullets missing; and a box labeled Charter Arms Firearms 38 caliber serial # PP155 (Exhibit 37).

Summary

- Anthony Iannone lived in Shelton and, at all relevant times, he was the registered owner of eight handguns and a state pistol permit holder.
- On August 28, 2001, a family court judge issued an *ex parte* restraining order on behalf of D. M. against Anthony Iannone. In her sworn, written affidavit in support of the order, D. M. alleged that Iannone had entered her apartment with a knife and that he had threatened to kill her in the past, including a threat to "cut [her] throat."
- The Shelton Police Department received a copy of the *ex parte* restraining order and affidavit in the mail from the court clerk on or about August 28, 2001.
- Anthony Iannone became ineligible to possess handguns on August 31, 2001, when he was served with the *ex parte* restraining order and he remained ineligible to possess handguns as of his arrest on January 17,

2002. Two Shelton police officers accompanied a state marshal to Iannone's residence when the marshal unsuccessfully attempted to serve Iannone with a copy of the *ex parte* order on August 31, 2001. One of the officers returned with the marshal to Iannone's residence later that same date and was present when the marshal served Iannone in hand with a copy of the *ex parte* order. The officers knew that Iannone had a gun permit and that he possessed guns.

- After he was served with the *ex parte* order, Anthony Iannone appeared at the Shelton Police Department carrying a bag believed to contain handguns. Iannone said that he wanted to surrender guns to the police department. The officer who was present when the marshal served Iannone with a copy of the *ex parte* order was present at the police station and either the officer or a supervisor told Iannone that the department did not accept surrendered handguns and to surrender the guns to the state police.
- On September 9, 2001, the Shelton Police Department responded to a complaint from D. M. that Anthony Iannone had violated the restraining order issued after a hearing. Between September 17, 2001 and January 2, 2002, the Shelton Police Department responded to three complaints from D. M. that Anthony Iannone had violated the restraining order or both the restraining and protective orders. In response to each complaint, the Shelton Police Department arrested Anthony Iannone.
- At no time prior to January 17, 2002, did the Shelton Police Department comply with the public safety protocol and: (1) transmit electronically to the Special Licensing and Firearms Unit copies of the *ex parte* restraining order, the restraining order after hearing or the protective order; (2) contact the Special Licensing and Firearms Unit to obtain Iannone's handgun registration information; (3) contact the Special Licensing and Firearms Unit within two business days to determine whether Iannone had complied with the transfer/surrender requirements of C.G.S. § 29-36k; and (4) upon determining that Iannone had failed to comply with the transfer/surrender requirements, conduct a follow-up investigation.
- If the Shelton Police Department had complied with the public safety protocol, information available from the Special Licensing and Firearms Unit would have revealed that Iannone was the registered owner of eight handguns since 1990 and that he had not surrendered or transferred any of those handguns. Based on this information, and the follow-up investigation required by the public safety protocol, on any one of the dates that the Shelton Police Department had Iannone in custody for violating the restraining and protective orders, the department had the information available to establish probable cause to apply for a search warrant to seize the handguns. On the three dates that Anthony Iannone

was in police custody after the issuance of the restraining order after hearing, that same information would have established probable cause to arrest him for criminal possession of a pistol or revolver, a class D felony.

- Between August 28, 2001, the date a Family Court judge issued an *ex parte* restraining order directed at Anthony Iannone, and January 17, 2002, the Shelton Police Department responded to two reports that Anthony Iannone had attempted to commit suicide. On both occasions, the investigating officers transported Iannone to a hospital for treatment. The officers investigating the reported suicide attempts did not conduct any investigation regarding Iannone's possession of handguns. With respect to the first reported suicide attempt, such investigation clearly was warranted because Iannone told the investigating officers that he had just been served with a restraining order. Although on that date Iannone was not yet out of compliance with the two day rule, information that Iannone possessed handguns, that he had just been served with a restraining order, and that he had attempted to hang himself should have prompted the investigating officers to apply for a warrant pursuant to C.G.S. § 29-38c to seize the firearms of persons posing risk of imminent personal injury to themselves or others.
- On January 17, 2002, Shelton police officers seized one of the eight handguns registered to Anthony Iannone – the .38 caliber Taurus, model # PP155, that was reportedly found by a citizen on top of the fire call box.

2. Connecticut State Police Department

The documents produced by the Connecticut State Police Department that are relevant to this report include: a Connecticut Department of Safety Dossier of Permit(s) Holder; a State of Connecticut Board of Firearms Permit Examiners Questionnaire; a list of the guns currently owned by Iannone, dated 01/22/02; letters to the Shelton Police Department re: Individual prohibited from possessing handguns/firearms, dated 01/22/02; fax transmittal sheets from the Special Licensing and Firearms Unit to the Bridgeport Chief of Police and Shelton Chief of Police, dated 1/22/02; a letter to the Bridgeport Chief of Police from the Special Licensing and Firearms Unit regarding revocation of permit to carry pistols or revolvers, dated 01/22/02; a letter to Anthony Iannone, dated 01/22/02, notifying him that his permit to carry pistols or revolvers has been revoked; a computerized printout of judicial protective orders re Anthony Iannone; and a letter to Anthony Iannone, dated 01/22/02, notifying him that he was ineligible to possess handguns and of his obligation to transfer or surrender handguns.

The material received from the Connecticut State Police Department does not contain copies of the *ex parte* restraining order, the restraining order after hearing or the protective order issued on September 18, 2001. Nor did the material received contain

copies of any DPS-3-C transfer/sale of firearms forms or any other paperwork documenting Iannone's sale or transfer of any of the handguns registered to him.

The only action apparently taken by Special Licensing and Firearms Unit personnel occurred on or after January 22, 2002, and consisted of revoking Iannone's permit to carry handguns and the issuance of form letters dated January 22, 2002. The revocation of the pistol permit was based upon the issuance of the protective order on September 17, 2001, some four months earlier (Exhibit 33).²⁵ Iannone's permit to carry handguns, however, should have been revoked by the Special Licensing and Firearms Unit based upon the *ex parte* restraining order issued on August 28, 2001 (see, C.G.S. § 29-32), and it should have been revoked at that time, and not in January 2002.

By letter dated January 22, 2002, the state police notified the Bridgeport Chief of Police (the local authority that issued the pistol permit to Iannone) that Iannone's permit to carry handguns had been revoked (Exhibit 31). Also by letter dated January 22, 2002, the state police notified the Shelton Chief of Police (Exhibit 32) that Iannone was prohibited from possessing handguns and included a list of the handguns registered to Iannone. Finally, by letters dated January 22, 2002, the state police notified Anthony Iannone that his pistol permit had been revoked (Exhibit 33) and that he was ineligible to possess handguns and of the obligation to transfer or surrender any handguns in his possession (Exhibit 34).

The Special Licensing and Firearms Unit should have sent the aforesaid letters on or about August 28, 2001, and in response to the issuance of the *ex parte* restraining order. The issuance of the restraining order after a hearing on September 11, 2001, and a protective order on September 18, 2001, likewise rendered Iannone ineligible to possess handguns and should have resulted in the revocation of his pistol permit, if it had not already been revoked. The Shelton Police Department's failure to comply with the public safety protocol after the issuance of the *ex parte* restraining order on August 28, 2001, after the issuance of the restraining order after hearing on September 11, 2001, and again after the issuance of the protective order on September 18, 2001, is simply inexcusable. As a result, Anthony Iannone continued to be the registered owner of eight handguns, and reportedly possessed at least one handgun, and a pistol permit holder despite being the subject of an *ex parte* restraining order, a restraining order after hearing and a protective order.

Summary

- The Commissioner of Public Safety receives and maintains all records regarding permits to carry pistols and revolvers, handgun registration and documentation regarding surrender/transfer of handguns. The Special Licensing and Firearms Unit of the Department of Public Safety apparently did not receive from the Shelton Police Department any documentation or information regarding the issuance of restraining and protective orders directed at Anthony Iannone and, consequently, did not take any action to revoke Iannone's permit to carry handguns, or to ensure that Iannone

surrendered or transferred his handguns within two business days, as required by the orders, until after Iannone's arrest on January 17, 2002. This occurred more than four and one-half months after Iannone first became ineligible to possess handguns and to hold a pistol permit.

Conclusions and Recommendations

Section 29-26n of the General Statutes required the Commissioner of Public Safety and others to "develop a protocol to ensure that persons who become ineligible to possess a pistol or revolver have, in accordance with section 29-36k, transferred such pistol or revolver to a person eligible to possess such pistol or revolver or have delivered or surrendered such pistol or revolver to said commissioner." As noted in the Giaimo report, the Commissioner of Public Safety had not developed a protocol as of September 2000. In response to the OVA's investigation of the murder of Josephine Giaimo, the Commissioner of Public Safety and others developed a protocol that, as discussed more fully below, does not comply with the statutory directive of C.G.S. § 29-36n to develop a protocol to ensure compliance with the transfer/surrender requirements of C.G.S. § 29-36k.

In March 2001 the Commissioner of Public Safety and others developed, approved and adopted the protocol set forth at pages 3-4 of this report. In a memo to the OVA dated May 17, 2001, the Chief of the Shelton Police Department advised the OVA that the department "will follow all the procedures outlined in the Protocol and also revoke the local firearms or dangerous weapons permits as well, if applicable" (Exhibit 2). The protocol, as adopted by the Commissioner of Public Safety, required that, upon the receipt by the Shelton Police Department of the *ex parte* restraining order issued on August 28, 2001, the restraining order after hearing issued on September 11, 2001, and the protective order issued on September 18, 2001, that the department take certain steps. First, the department was to immediately transmit a copy of the order referencing the date of service and any supporting documentation on file, including any incident reports, to the Department of Public Safety Special Licensing and Firearms Unit. Second, the department was required to query the Special Licensing and Firearms Unit for any information available on Iannone's permit status and firearms registration data. Next, at the expiration of two business days after the issuance of the orders, the department was required to query the Special Licensing and Firearms Unit to determine if Iannone had transferred any pistols or revolvers to an eligible person or delivered or surrendered any pistol or revolver to the Department of Public Safety. Finally, in the event that Iannone did not comply with the transfer/surrender requirements, the department was required to conduct a follow-up investigation.

Records, documents and interviews reveal a complete failure by the Shelton Police Department to comply with the public safety protocol and that the department's failure was not an isolated occurrence but a systemic problem. At all relevant times, Anthony Iannone was the registered owner of eight handguns. Moreover, the Special Licensing and Firearms Unit did not provide the OVA with any records to indicate that

Iannone had sold or transferred any of the handguns listed as registered to him. Accordingly, at all relevant times, records and documents reveal that Anthony Iannone had not complied with the transfer/surrender requirements of C.G.S. § 29-36k. His failure to comply subjected him to a fine of up to \$5,000 or imprisonment of up to five years or both. See, C.G.S. § 29-36k (c). Also, his continued possession of handguns after he became the subject of the restraining order after a hearing on September 11, 2001, constituted criminal possession of a pistol or revolver, a class D felony, in violation of C.G.S. § 53a-217c (a)(5).

The Shelton Police Department failed to follow the public safety protocol and, consequently, failed to take any action to ensure that Iannone surrendered or transferred his handguns within two business days as required by the *ex parte* restraining order, the restraining order after hearing and the protective order. Also, the Shelton Police Department came in contact with Anthony Iannone on a number of occasions between September 18, 2001, and his arrest on January 17, 2002. At no time did the Shelton Police Department take any steps to determine whether Anthony Iannone had complied with the transfer/surrender requirements of C.G.S. § 29-36k. Furthermore, as a result of the Shelton Police Department's failures, the Department of Public Safety Special Licensing and Firearms Unit did not revoke Iannone's permit to carry a handgun or take other action to ensure that Iannone had complied with the transfer/surrender requirements of C.G.S. § 29-36k until after his arrest on January 17, 2002.

If the Shelton Police Department had complied with the public safety protocol at any time prior to January 17, 2002, the department would have learned that Anthony Iannone was the registered owner of eight handguns and that he had not complied with the transfer/surrender requirements of C.G.S. § 29-36k. Pursuant to the public safety protocol, the Shelton Police Department would have been required to conduct a follow-up investigation that should have resulted in the seizure of all weapons in the possession of Anthony Iannone, including the handgun that was found on the fire call box on January 17, 2002. Also, Iannone would have been subject to a fine of up to \$5,000 or imprisonment of up to five years or both for his failure to comply with the transfer/surrender requirements of C.G.S. § 29-36k and, after the issuance of the restraining order after hearing, to prosecution for criminal possession of a pistol or revolver, a class D felony, in violation of C.G.S. § 53a-217c (a)(5). All of this should have occurred well before January 17, 2002.

Additionally, on two dates subsequent to the issuance of the *ex parte* restraining order, Shelton police officers responded to Anthony Iannone's residence in response to reports of attempted suicides by Iannone. With respect to the September 1, 2001 report, the officers transported Iannone to a hospital for evaluation and treatment pursuant to their authority under C.G.S. § 17a-503. That section provides that "[a]ny police officer who has reasonable cause to believe that a person is mentally ill and dangerous to himself, herself or others or gravely disabled, and in need of immediate care and treatment, may take such person into custody and take or cause such person to be taken to a general hospital for emergency examination under this section."

Section 29-38c of the General Statutes provides a procedure for police officers and prosecutors to apply to a court for a warrant authorizing law enforcement officers to search for firearms in the possession of persons who pose a risk of imminent personal injury to themselves or to others, provided no other reasonable alternatives are available to prevent such injury. In light of the fact that Shelton police officers responded to two reports that Anthony Iannone had attempted to commit suicide, including one reported attempt on the day after a marshal served Iannone with the *ex parte* restraining order, the Shelton Police Department could have applied for a seizure of firearms order pursuant to § 29-38c. Although the OVA recognized the difficulties inherent in the provisions of § 29-38c in its investigative report on the death of Josephine Giaimo (see, Giaimo report, pp. 30-31), this option was available to the Shelton Police Department and was not explored.

The OVA recommends that the Commissioner of Public Safety establish a statewide enforcement mechanism to ensure compliance with the transfer/surrender requirements of C.G.S. § 29-36k. The creation of a statewide enforcement mechanism is necessary because the protocol, as adopted by the Commissioner of Public Safety, is insufficient for two reasons to ensure compliance with the requirements of C.G.S. § 29-36k. First, the provision of the protocol that requires that a police department, upon determining that the subject of a restraining/protective order has not transferred or surrendered his or her handguns, conduct a follow-up investigation does not contain any procedures to direct the conduct of that investigation. Second, the protocol does not provide for monitoring by any agency or entity to ensure that law enforcement agencies comply with the protocol. As occurred in this case, a police department may receive a restraining or protective order issued against a person who is a registered gun owner and the department's failure to take any action to determine the subject's compliance with the transfer/surrender requirements of C.G.S. § 29-36k can go unnoticed absent a procedure to monitor compliance.

The OVA recommends that the Special Licensing and Firearms Unit immediately conduct an investigation to account for the remaining seven handguns registered to Anthony Iannone and notify the OVA of the results of that investigation.

Finally, the OVA recommends that police departments redact the telephone numbers of crime victims from police reports before the reports are disclosed to the accused or the public.

B. Involvement Of Others Who Had Professional Contact With The Victim

1. Office of the State's Attorney

Prosecutors in the State's Attorney's Office for the Derby G.A. were involved in the prosecution of Anthony Iannone for his crimes against D. M. Anthony Iannone first appeared in criminal court on September 18, 2001, for his arraignment on the trespass

charge pertaining to the September 17, 2001 incident. During the arraignment, the prosecutor advised the court that the family relations officer requested that the court enter a full no-contact protective order against Iannone (Exhibit 17). The judge and Iannone then engaged in a colloquy regarding Iannone's surrender of a weapon. Iannone told the judge, "I turned over immediately when I was served with the restraining order. I had a nine-millimeter handgun which I sold to [a gun store] and immediately brought the paperwork to Shelton police." The judge issued a family violence protective order directed at Anthony Iannone and a marshal served Iannone in the courtroom with a copy of the order. The judge referred the case to family services and continued the case until October 25, 2001 (Exhibit 16).

On October 25, 2001, the trespass case was continued, at the prosecutor's request, until December 27, 2001 (Exhibit 19). There was no discussion concerning the statutory requirement that Iannone transfer/surrender handguns.

On November 23, 2001, a prosecutor was present in court when Iannone appeared in connection with the November 8, 2001 incident that led to Iannone's first arrest for violating the protective order and in connection with larceny charge relating to the November 21, 2001 theft of clothes incident. The judge advised Iannone that his attorney should file an appearance because the judge intended to raise Iannone's bond because Iannone had been charged with violating the protective order. There was no discussion concerning the statutory requirement that Iannone transfer/surrender handguns. The court continued the case until December 3, 2001 (Exhibit 22).

On December 3, 2001, the cases against Iannone were called in court. A prosecutor stated, "Counsel was here. Asking for 12/27." The court replied, "So ordered." There was no discussion concerning the statutory requirement that Iannone transfer/surrender handguns or any discussion regarding increasing Iannone's bond (Exhibit 23).

On December 27, 2001, Anthony Iannone appeared in court with counsel present before the same judge that issued the protective order against Iannone on September 18, 2001. Defense counsel entered a not guilty plea on all charges and he requested a continuance for a pretrial conference. Counsel also moved for copies of all police reports, witness statements and affidavits. The judge entered *pro forma* not guilty pleas and defense counsel made a jury election. Defense counsel then requested a four-week continuance. The prosecutor requested that the protective order remain in full effect and the judge granted that request. The court then continued the cases until January 23, 2002 (Exhibit 24). There was no discussion concerning the statutory requirement that Iannone transfer/surrender handguns or regarding increasing Iannone's bond based upon either the previous or current charges of criminal violation of a protective order.

On January 3, 2002, the case pertaining to Anthony Iannone's January 2, 2002, arrest for criminal violation of a protective order – his second arrest for violating the protective order -- and reckless driving was called in court. An assistant state's attorney

stated that Iannone had made bond. Defense counsel appeared, advised the court that Iannone had other cases scheduled for a pretrial on January 23, 2002, and requested a continuance to that date. The court entered *pro forma* not guilty pleas and a jury election and continued the case until January 23, 2002, for pretrial (Exhibit 26). Once again, no discussion occurred regarding the statutory requirement that Iannone transfer/surrender handguns or regarding increasing Iannone's bond.

The material provided to the OVA by the State's Attorney's Office pertaining to the September 17, 2001 incident contains a copy of the restraining order after hearing (Exhibit 35). The material also contained a copy of the police report related to the November 8, 2001 incident that contains references to Iannone having made prior threats to kill D. M. (Exhibit 36).

Summary

- On September 18, 2001, a prosecutor knew that Iannone was the subject of a restraining order and that Iannone claimed to have sold one handgun. According to the material received by the OVA from the Department of Public Safety Special Licensing and Firearms Unit, Iannone had eight handguns registered to him on that date with no documentation to support Iannone's claim that he had sold a gun, let alone the eight handguns registered to him.
- On each subsequent date that Anthony Iannone's cases were called in criminal court, Iannone was out of compliance with the transfer/surrender requirements of C.G.S. § 29-36k, subjecting him to a fine of up to \$5,000 or imprisonment of up to five years or both (see, C.G.S. § 29-36k (c)) and to prosecution for criminal possession of a pistol or revolver, a class D felony, in violation of C.G.S. § 53a-217c (a)(5). Each such court date provided the State's Attorney's Office with the opportunity to take steps to determine whether Iannone had complied with the two-business-day rule. The State's Attorney's Office, however, did not take any such steps and, consequently, Anthony Iannone continued to be the registered owner of eight handguns until his arrest on January 17, 2002.

Conclusions and Recommendations

The prosecutor who appeared on behalf of the State at Anthony Iannone's first appearance before a criminal court judge knew that Iannone was the subject of a restraining order and that Iannone claimed to have transferred a weapon to a gun store upon being served with a copy of the restraining order. This information should have prompted further investigation by the prosecutor to determine whether Iannone was in possession of handguns beyond the two business day period. Also, the prosecutors who appeared on behalf of the State at each of Anthony Iannone's subsequent court

dates in the criminal court should have conducted an investigation to determine Iannone's compliance with the transfer/surrender requirements of C.G.S. § 29-36k.

State's attorneys and assistant state's attorneys have the authority to apply for arrest warrants (see, C.G.S. § 54-2a), search and seizure warrants (see, C.G.S. § 54-33a) and warrants authorizing the seizure of firearms of persons posing risk of imminent personal injury to themselves or others (see, C.G.S. § 29-38c). The information available to the prosecutor who represented the State at the September 18, 2001 proceedings should have prompted further investigation by the prosecutor regarding whether Anthony Iannone was in possession of handguns beyond the two-business-day period, including the procedures under C.G.S. §§ 54-2a, 54-33a or 29-38c.

Finally, the OVA recommends that the telephone numbers of crime victims be redacted from any police report or other document before it is disclosed to the defendant or to the public.

2. Judicial Branch

a. Family Court

On August 28, 2001, a judge of the Family Division of the Superior Court issued an *ex parte* restraining order on behalf of D. M. against Anthony Iannone (Exhibit 4). The *ex parte* order issued by the court included a notice concerning the statutory duty to surrender or transfer handguns within two business days of the order (Exhibit 4). On August 31, 2001, a state marshal served Anthony Iannone in hand with a copy of the *ex parte* order (Exhibit 7).

The failure of a person who is the subject of a restraining order to comply with the transfer/surrender requirements of C.G.S. § 29-36k subjects the person to a fine of up to \$5,000 or imprisonment of up to five years or both. See, C.G.S. § 29-36k (c). Furthermore, the possession of a pistol or revolver by a person who knows that he or she is subject to a restraining or protective order issued by a court, after notice and an opportunity to be heard has been provided to such person, in a case involving the use, attempted use or threatened use of physical force against another person, constitutes criminal possession of a pistol or revolver, class D felony. See, C.G.S. § 53a-217c(a)(5). Also, the violation of an *ex parte* restraining order can be punished by an order of contempt. See, C.G.S. § 46b-15(g). When a motion for contempt is filed for violation of a restraining order, an expedited hearing is required within five court days of service of the motion on the respondent. Id.

Anthony Iannone appeared in court on September 11, 2001, for the hearing on the restraining order and he consented to the court extending the order for an additional six months (Exhibit 13). The restraining order after hearing contained a notice of the statutory obligation to transfer/surrender handguns (Exhibit 14). The transcript of the September 11, 2001 hearing on the restraining order reveals that there was no inquiry

by the court concerning the requirement that Iannone surrender his pistol permit and the requirement that he transfer or surrender his handguns (Exhibit 13). The court had the authority to find Iannone in contempt of court of its orders and to “impose such sanctions as the court deems appropriate.” C.G.S. § 46b-15(g). Also, Iannone was subject to a fine of up to five thousand dollars or imprisonment of up to five years or both because he had not complied with the transfer/surrender requirements of C.G.S. § 29-36k upon becoming subject to the *ex parte* restraining order. Because there was no inquiry by the court regarding Iannone’s conduct after the date of the *ex parte* order, no sanctions were imposed that might have served the interest of victim safety and there was no consequences for Iannone’s failure to comply with the transfer/surrender requirements of C.G.S. § 29-36k.

Summary

- The Family Court issued an *ex parte* restraining order against Anthony Iannone on August 28, 2001, and Iannone was served in hand with a copy of the order on Friday August 31, 2001. The order included a notice to surrender or transfer all handguns within two business days. Anthony Iannone, therefore, had a duty to surrender or transfer his handguns by Tuesday September 4, 2001 – more than four months before a gun registered to him was found on the fire call box.
- On September 11, 2001, the court conducted a hearing regarding the *ex parte* restraining order. Anthony Iannone, a registered handgun owner since June 23, 1990, appeared in court for the hearing and he consented to the order being continued for an additional six months. As he stood before the court, Anthony Iannone had failed to comply with the transfer/surrender provisions of C.G.S. § 29-36k and he was subject to a fine of up to \$5,000 or imprisonment of up to five years of both. Also, Iannone could have been found to be in contempt of court. At the hearing regarding the *ex parte* order, the court did not address the requirement to surrender or transfer handguns.

b. Criminal Court

Anthony Iannone first appeared before a criminal court judge on September 18, 2001, when he was arraigned in the Superior Court, G.A. 5, on his September 17, 2001 arrest for trespassing. The prosecutor sought and obtained a full protective order (Exhibit 17) and the transcript reflects that a marshal served Iannone in the courtroom with a copy of the order (Exhibit 16). The court stated to Iannone, “And apparently you’ve turned over a weapon. What kind of weapon is that?” Iannone replied, “I turned over immediately when I was served with the restraining order. I had a nine-millimeter handgun which I sold to [a gun store] and immediately brought the paperwork to Shelton police.” The court said, “Ok. Great” (Exhibit 16).²⁶

The records of the Department of Public Safety Special Licensing and Firearms Unit reveal that Iannone had eight handguns registered to him at this time and, moreover, that his permit to carry handguns had not been revoked as it should have been by virtue of the issuance of both the *ex parte* restraining order and restraining order after hearing. The court did not inquire further about additional handguns owned by Iannone or the status of Iannone's pistol permit. Nor did the court request that Iannone provide the court with a copy of the documents that Iannone claimed to have provided to the Shelton Police Department. A telephone call to the Special Licensing and Firearms Unit at this time would have revealed that Iannone had not complied with the transfer/surrender requirements. Finally, the court did not comment on the handgun restrictions contained in the protective order and Iannone's obligation to comply with those restrictions.

Iannone's criminal cases appeared on the court's calendar on five subsequent dates (10/25/01, 11/23/01, 12/3/01, 12/27/01 & 1/3/02) and Iannone appeared in court on at least two of those dates (11/23/01 & 12/27/01). On three of the five dates, Iannone's cases were called before the same judge that issued the protective order (10/25/01, 12/3/01 & 1/3/02). On each of the five dates, there was no further inquiry by the judge concerning Iannone's compliance with the transfer/surrender requirements. On November 23, 2001, a judge advised Iannone that he intended to modify the bond based upon Iannone's arrest for violating the protective order (Exhibit 22). On December 27, 2001, a judge continued the protective order (Exhibit 24). Each time that Anthony Iannone appeared before the court he was out of compliance with the transfer/surrender provisions of C.G.S. § 29-36k. Each appearance before the court provided the judge with the opportunity to conduct further inquiry into whether Iannone had complied with the transfer/surrender requirements of C.G.S. § 29-36k. No such inquiry occurred.

Summary

- A judge in the criminal court issued a protective order on September 18, 2001. This order also included a notice to surrender or transfer all handguns within two business days. Pursuant to the protective order, Anthony Iannone had a duty to surrender or transfer his handguns by September 20, 2001. There was no consequence for his failure to comply with this directive or the same directives contained in the *ex parte* restraining order and the restraining order after hearing. Furthermore, the court expressly mentioned that Anthony Iannone said that he had surrendered a weapon and Iannone told the court that he had sold one handgun on the date that he was served with the *ex parte* order. The court accepted Iannone's statement without requiring any confirmation that Iannone had indeed transferred the weapon he claimed to have transferred. Moreover, the court failed to conduct any inquiry to determine whether Iannone had any other handguns registered to him at the time. Such inquiry was reasonable and, if that inquiry had been conducted, it would have revealed that Iannone had eight handguns registered to him

as of that date and that the Department of Public Safety Special Licensing and Firearms Unit did not have any record that Iannone had complied with the transfer/surrender requirements.

- Anthony Iannone criminal cases were called in criminal court on five dates subsequent to the issuance of the protective order and Iannone appeared in court on at least two of those dates. On each date, he was out of compliance with the transfer/surrender requirements of C.G.S. § 29-36k and subject to a fine of up to \$5,000 or imprisonment of up to five years or both. See, C.G.S. § 29-36k (c). Also, his continued possession of handguns constituted criminal possession of a pistol or revolver, a class D felony, in violation of C.G.S. § 53a-217c (a)(5). No mention of his failure to comply occurred on those five court dates and there was no consequence for Iannone's failure to surrender or transfer his handguns.
- On November 23, 2001, Iannone appeared before a criminal court judge on the charges pertaining to his first arrest for criminal violation of a protective order. The judge told Iannone to have his attorney file an appearance and to tell his attorney that the judge intended to raise Iannone's bond because he had been charged with violating the protective order. Iannone's cases were subsequently called on three dates before other judges, including the January 3rd date when the case pertaining to Iannone's second arrest for violating the protective order was called in court. No mention was made by anyone regarding increasing Iannone's bond.

Conclusions and Recommendations

The OVA strongly renews its recommendation made in the Giaimo report that the Judicial Branch develop and implement policy and procedures to draw attention to and emphasize the handgun restrictions for all persons subject to restraining and protective orders. Such policy and procedures should include, at a minimum, express reference to the handgun restrictions during all court proceedings related to such orders.

The OVA renews its recommendation made in the Giaimo report that the Judicial Branch should explore that feasibility of a policy requiring that judges question persons who are subject to restraining and protective orders about their possession of handgun permits and handguns.²⁷

The OVA further recommends that the Judicial Branch explore the feasibility of a policy requiring judges to verify claims by subjects of restraining or protective orders that handguns have been transferred/surrendered.

ENDNOTES

¹ The General Assembly amended C.G.S. § 29-36k during the 2002 legislative session to extend the transfer/surrender requirement to include all firearms. See, Public Act 02-120 (7). That section becomes effective upon the Governor's signature.

² Copies of the Giaimo report can be obtained from the OVA's website at www.ova.state.ct.us or upon request from the OVA.

³ The General Assembly amended C.G.S. § 29-36n during the 2002 legislative session to require that the Commissioner of Public Safety and others update the public safety protocol "to include in such protocol specific instructions for the transfer of pistols and revolvers when the assistance of more than one law enforcement agency is necessary to effect the requirements of section 29-36k." See, Public Act 02-120 (2). Subject to the Governor's signature, 02-120(2) becomes effective on October 1, 2002.

⁴ Copies of the report, titled *An Independent Review, Police Department Policies and Procedures for Enforcing Connecticut's Gun Transfer/Surrender and Gun Seizure Laws*, dated September 28, 2001, can be obtained upon request from the OVA.

⁵ These more recent investigations include the present investigation, the OVA's investigation of the New Year's Eve murder of Jenny McMechen, a pregnant mother in Plainfield (manuscript in preparation), and the OVA's recent review of police department policies and procedures concerning the enforcement of handgun restriction laws. Copies of these documents can be obtained from the OVA upon request.

⁶ See, *supra*, pp. 3-4 & Exhibit 1.

⁷ Local law enforcement agencies receive copies of restraining and protective orders in different ways depending upon the type of order. *Ex parte* restraining orders may be served on the law enforcement agency by state marshals after the marshal serves the subject and/or by mail from the clerk of the court; restraining orders after hearing are mailed by the clerk of the court; and protective orders may be mailed by the clerk of the court to the local police department or the department's court liaison officer may receive them at the clerk's office. A delay can occur when the orders are mailed by the court clerk to the local police departments because, by statute, the clerk is afforded forty-eight hours from the issuance of an order within which to mail the copy to the law enforcement agency. See, C.G.S. § 46b-15 (e). Given the delays that can occur in the mail, a police department may not receive its copy of the order until well after the expiration of the two-business day period.

Effective January 23, 2002, the State Marshal Commission's policies and procedures require that marshals provide to the local police department a copy of each restraining order and a "Police Department Confirmation Sheet" containing the name of

the subject and the date, time and place of service (Exhibit 9). During the 2002 legislative session, the General Assembly enacted legislation to require that marshals, immediately after making service of an *ex parte* restraining order, provide a true and attested copy of the order, including the applicant's affidavit and a cover sheet stating the date and time of service: to the law enforcement agency for the town in which the applicant resides; to the law enforcement agency for the town in which the subject of the order resides if the subject does not reside in the same town as the applicant; and to the law enforcement agency for the town in which the applicant is employed, if the applicant is employed in a town different than the town in which the applicant resides. See, P.A. 02-127(7). That section, subject to the Governor's signature, becomes effective October 1, 2002. Although clerks are still required to mail copies of the orders to the local police departments, the changes noted above should remove the concern that a police department may not learn that a person has become the subject of an *ex parte* restraining order and, consequently, is under a duty to transfer/surrender handguns within two business days, until after the two-day period has elapsed.

⁸ Pursuant to C.G.S. § 29-32, the Department of Public Safety is required, *inter alia*, to send written certified communication to the subject of a restraining or protective order regarding the revocation of that subject's pistol permit and to notify the subject of the legal requirement to surrender his/her permit to the issuing authority within five days of such notification.

⁹ To enforce Connecticut's gun seizure laws, local law enforcement agencies would need to know if the subject of the order is a registered gun owner and whether the subject has transferred or surrendered handguns prior to the expiration of the two business-day time period. All of this information is collected and maintained by the SLFU.

¹⁰ Aside from the noted failures of law enforcement agencies to enforce the gun transfer/surrender and seizure laws, others within the justice system also have the opportunity and the authority to act to ensure the removal of handguns from those ineligible to possess such weapons. When a family violence matter appears before the Family Court, or a defendant appears in Criminal Court on a criminal matter, judges, prosecutors and other professionals within the justice system should determine whether an individual who is the subject of a restraining or protective order has complied with the gun transfer/surrender law. If the subject of an *ex parte* restraining order fails to comply with the transfer/surrender requirements, the Family Court judge could, after an expedited hearing, hold the subject in contempt of court. Family Court judges have broad power to punish contempt and the judge would be authorized to "impose such sanctions as the court deems appropriate." See, C.G.S. § 46b-15 (g). Thus, a judge could order a subject jailed until compliance is achieved. Criminal Court judges could respond to a subject's failure to comply by increasing or revoking bond until compliance is achieved. In cases where the subject's failure to comply arises from a restraining order after hearing or a protective order, the judge could refer the matter to the State's Attorney's Office for prosecution of the subject for criminal possession of a pistol or

revolver in violation of C.G.S. § 53a-217c (5). The Victim Advocate wishes to note that since the release of the Giaimo Report in 2000, some judges and prosecutors appear to have made dramatic improvements in this regard.

¹¹ The OVA recognizes that two methods exist for law enforcement to obtain a court order to seize the handguns of those subjects who do not comply with the transfer/surrender requirements of C.G.S. § 29-36k. First, C.G.S. § 29-38c provides a procedure for police officers and prosecutors to apply to a court for a warrant authorizing law enforcement officers to search for firearms in the possession of persons who pose a risk of *imminent* personal injury to themselves or to others, provided no other reasonable alternatives are available to prevent such injury. As noted by the OVA in the Giaimo Report, this law can or should be a useful tool for law enforcement when persons who are the subject of a restraining or protective order fail to transfer or surrender their handguns within the two-day time period. As also noted by the OVA in that report, however, the protection afforded by this law is difficult to utilize because of: (1) the requirement that no other reasonable alternatives are available; and (2) the requirement that the risk be a risk of “imminent” personal injury. As noted *infra* at p. 26, the OVA recommends that the Legislature amend C.G.S. § 29-38c to provide that the issuance of a restraining/protective order in a case involving the use, attempted use or threatened use of physical force against another person and that the subject of the order failed to comply with the transfer/surrender requirements of C.G.S. § 29-36k shall be deemed, for purposes of the application, to constitute “a risk of imminent personal injury” within the meaning of the statute.

An alternative, less cumbersome method may be available pursuant to Connecticut’s search and seizure warrant statute. See, C.G.S. § 54-33a. That section authorizes judges to issue search and seizure warrants, upon the application of a prosecutor or two credible persons, permitting police officers to search for and to seize, *inter alia*, property “which constitutes evidence of an offense . . .” See, C.G.S. § 54-33a (b)(3). The possession of handguns by person ineligible to possess handguns may constitute evidence of two separate offenses justifying the issuance of a warrant pursuant to C.G.S. § 54-33a (b)(3). The most obvious offense is criminal possession of a pistol or revolver, a class D felony, in violation of C.G.S. § 53a-217c (5). That offense, however, may only be charged after the subject of the order has had notice of the order and an opportunity to be heard (i.e., a restraining order after hearing or protective order has been issued). In cases involving the failure to comply in response to an *ex parte* restraining order and before a hearing has been held on the order, law enforcement should look to the penalty provision of C.G.S. § 29-36k to support a search warrant application. Pursuant to C.G.S. § 29-36k(c), the failure to comply with the transfer/surrender provisions of that section constitutes a separate offense and subjects a person to a fine of up to five thousand dollars or imprisonment of up to five years or both.

¹² A person who sells, delivers or transfers any pistol or revolver is required to obtain a receipt for the sale, deliver or transfer of such handgun and send, within forty-eight

hours of such sale, delivery or transfer, a copy of the receipt to the Commissioner of Public Safety and to the chief of police for the town in which the transferee resides. If the town does not have a chief of police, the receipt is to be sent to the warden of the borough or to the town's first selectman. See, C.G.S. § 29-33 (e).

¹³ As previously noted (see, fn 7) effective October 1, 2002, subject to the Governor's signature, local law enforcement agencies will receive from the marshal a copy of the applicant's affidavit in support of a restraining order along with a copy of the order itself. See, P.A. 02-127(7). The availability of the affidavit to local law enforcement agencies is essential. In cases where the subject of the order is not a registered handgun owner and the applicant's affidavit contains allegations that the subject possesses guns, this information should prompt the police department to conduct an investigation to determine if the subject illegally possesses handguns and, if so, to take the appropriate steps to seize the guns and to arrest the subject. Also, the information contained in the affidavit may provide the local law enforcement agency with sufficient information to support an application pursuant to the gun seizure law. See, C.G.S. § 29-38c. In any event, information contained in the affidavit may better enable law enforcement agencies to assess the risk posed by the subject so that the officers that conduct the follow-up investigation can take appropriate safety precautions.

¹⁴ On April 29, 2002, the Judicial Branch held a public information meeting for journalists and others to describe its computerized Protection Order Registry and its plans to make it fully operational in the near future. This registry will contain critical information about each and every restraining and protective order issued in the state of Connecticut and will be available, via computer, to all law enforcement and criminal justice professionals throughout the state. The registry will be updated daily and will provide detailed information to all law enforcement professionals in a quicker manner and will, *inter alia*, effectively address enforcement problems that arise where there is more than one geographical jurisdiction involved. While the registry will serve as an invaluable tool for law enforcement purposes in many areas of concern, the full implementation of the centralized enforcement mechanism under consideration here need not, nor should it, await this Registry becoming operational. Information necessary and sufficient to enforce the gun transfer/surrender and gun seizure laws is already provided to local law enforcement officials (i.e., paper copies of restraining and protective orders). From a victim and public safety perspective, and for the purposes under consideration in this Report, the OVA is unconcerned about what particular format such information takes (e.g., computer monitor v. hardcopy). The concern is, rather, that law enforcement officials respond appropriately to such information, regardless of format, by enforcing existing laws designed to promote victim and public safety. Once operational, the Protection Order Registry will obviate the need for the Judicial Branch to transmit restraining and protective order information to the SLFU via facsimile and batch file.

¹⁵ The transfer/surrender requirements of C.G.S. § 29-36k apply to both legally and illegally possessed handguns and, effective October 1, 2002 (subject to the Governor's

signature) to all firearms. See, P.A. 02-120 (7). The information available to the SLFU relates only to legally possessed handguns and does not include information relating to illegally possessed handguns or firearms other than handguns, whether legally or illegally possessed. Accordingly, local law enforcement agencies must carefully examine all documents received by the agency pertaining to restraining/protective orders (e.g., the applicant's affidavit in support of an application for a restraining order) for information that the subject of the order illegally possesses handguns or possesses firearms other than handguns. If such information exists, the local law enforcement agency is required, per the public safety protocol, to determine whether the subject has complied with the transfer/surrender requirements of C.G.S. § 29-36k and, if not, to conduct the requisite follow-up investigation and ensure compliance.

¹⁶ Effective January 23, 2002, the State Marshal Commission promulgated policies and procedures concerning service of restraining orders to require that marshals provide to the local police department a copy of each restraining order and a "Police Department Confirmation Sheet" containing the name of the subject and the date, time and place of service (Exhibit 9). During the 2002 legislative session, the General Assembly enacted legislation to require that marshals, immediately after making service of an *ex parte* restraining order, provide a true and attested copy of the order, including the applicant's affidavit and a cover sheet stating the date and time of service: to the law enforcement agency for the town in which the applicant resides; to the law enforcement agency for the town in which the subject of the order resides if the subject does not reside in the same town as the applicant; and to the law enforcement agency for the town in which the applicant is employed, if the applicant is employed in a town different than the town in which the applicant resides. See, P.A. 02-127 (7). That section, subject to the Governor's signature, becomes effective October 1, 2002.

¹⁷ OVA personnel obtained this information during an interview with the Shelton Police Department's records and court liaison officer. No records were received from the police department documenting the exact date that the department received a copy of the order from the clerk's office. According to the records and court liaison officer, no such records were kept by the department.

¹⁸ See fn. 16, supra.

¹⁹ See fn. 16, supra.

²⁰ Subject to the Governor's signature, sections 1 and 3 of the Act become effective on October 1, 2002.

²¹ The OVA recognizes that defendants might claim that such questions violate their rights against self-incrimination under the Fifth Amendment of the Constitution of the United States and Article First, Sec. 8 of the Connecticut Constitution.

²² D.M. reported to the OVA that she had called the Shelton Police Department on other occasions to report conduct by Iannone that she believed constituted criminal offenses. D.M. reported further that, on some occasions, the police did not respond to her calls. On those occasions when the police did respond, D.M. reported that the officers told her that there was insufficient proof that Iannone was responsible for the conduct reported. D.M. stated to the OVA that this response frustrated her because her complaints pertained to cards addressed to her from Iannone that had been placed in her mailbox or other locations and that, as a result, she perceived that the Shelton Police Department viewed her as a nuisance and believed that she was overreacting.

²³ During the proceedings before the criminal court on September 18, 2001, Iannone told the judge that he delivered the weapon to a gun store (Exhibit 16).

²⁴ Anthony Iannone's written statement to the police establishes that he obtained the gun back from his friend in July 2001 and that he possessed at least one handgun during the period that he was the subject of the *ex parte* restraining order, the restraining order after hearing and the protective order.

²⁵ The protective order was issued on September 18, 2001 (see, Exhibit 17).

²⁶ The OVA cannot determine the source of the court's information that Iannone reportedly turned over a weapon. No mention is made of this in any documents received by the OVA pertaining to this matter.

²⁷ The OVA recognizes that defendants might claim that such questions violate their rights against self-incrimination under the Fifth Amendment of the Constitution of the United States and Article First, Sec. 8 of the Connecticut Constitution.